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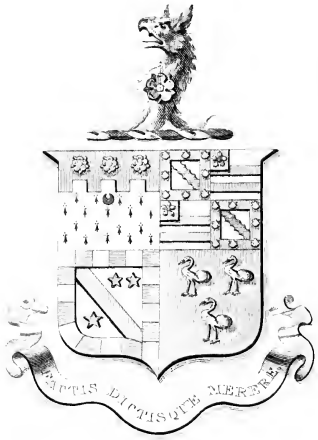

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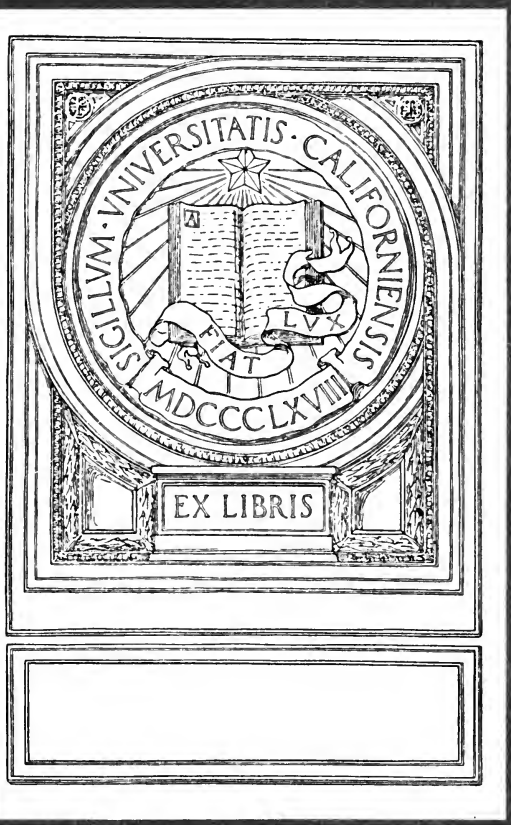
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REFORM CONSIDERED.

REFORM CONSIDERED;

OR,

A COMPARISON

BETWEEN THE ANCIENT AND THE REFORMED

CONSTITUTIONS:

MORE ESPECIALLY,

WITH REFERENCE TO THEIR OWN STABILITY, AND TO THE PROTECTION, WHICH THEY RESPECTIVELY AFFORD TO THE RIGHTS AND LIBERTIES OF THE PEOPLE.

IN A LETTER TO GEORGE MOORE, ESQ.

Member of Parliament for the City of Dublin.

BY

THE REV. J. C. MARTIN, M. A.

LATE FELLOW OF TRINITY COLLEGE, DUBLIN.

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1831.

ADVERTISEMENT.

A GREAT part of this Letter has lately appeared in the public press; in a form, however, unrevised and imperfect: the views of the writer will now, perhaps, be more intelligible.

Such imperfections remaining, as may, partly, be attributed either to necessary haste, or to the perturbation of a mind contemplating a country's ruin, will, it is hoped, be viewed with indulgence.

The author affixes his name, because concealment of it, in times like the present, seems to him to be an unworthy, and pusillanimous policy.

Dublin, April 13, 1831.

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LETTER,

&c. &c.

Dear Sir,

Upon the absorbing question of reform you expressed a wish to learn the sentiments of your constituents, and were good enough to say that you would wish to hear, amongst the rest, my own. Not having had an opportunity of seeing you in Dublin, I now write them, in order, as far as I am able, to show both my opinion, and some of such grounds for that opinion, as may, perhaps, be useful, if valid; and if weak, can do no harm, except perhaps, slightly to myself. I shall write only what I think, and—though not briefly upon so vast a subject---yet with as much density as to me is possible.

Dismissing, therefore, instantly, all vain ornament or rhetorical amplification, I shall try to reason rather *pugno logico*, than *palmâ rhetoricâ*.

It is, indeed, a time to hang our harps upon the the willows, and to sit down and weep by the waters, when we think of thee, Oh Jerusalem!

Without further preface, then, the only apparently rational foundation of this sweeping measure of Reform is the doctrine, that the British Constitution has become imperfect: that it has deviated from its ancient representative principles; that its fabric, by time decayed, now wants reformation and repair.

Now, although in reply, the argument from experience of good result is that most intelligible to the public mind; and that in which—until within nearly forty years—the sound and practical wisdom of our forefathers had acquiesced; although I say a degree of liberty, of order, of security to acquired rights, of public happiness, and national prosperity, experimentally found to be unparalleled in any other country; along with the fact, that in no country but England has that mixed constitution, which, as Tacitus says, "it is more easy to praise than either to establish or preserve," yet succeeded —guarding this country alone, of all civilized states, of mixed government for more than a century, both from foreign yoke, and from internal revolutionary change —Though all these things prove its good effects, yet, as the march of intellect has conducted the public mind from the firm ground of

experience into the fluctuations of opinion and theory, I shall try to reply more directly than is usual, and to prove in detail, that our constitution still obeys its ancient and original principles; that as it is, it will still bear the light of true political theory; that, as the late Noble Premier well observed, upon principle and theory, I would try to construct a constitution exactly such as it is, though such a piece of mechanism, far beyond the invention, and almost beyond the comprehension of man, I could not hope to achieve; and in particular, I shall try to prove—by a detailed comparison of the original and the reformed constitutions—that what are called defects in theory and principle, are perhaps the very points of most refined contrivance, and most vital necessity; because—though inconsistent with the unscientific and unfounded imagination that representation was instituted for one simple purpose, viz: to indicate popular will—they are absolutely necessary to the two great things for which true theory should in politics provide; namely—first, the rights of individuals; and secondly, the preservation of that constitution which protects them.

This shall be the basis of my argument—and if I can show this, all theoretic grounds of the reforming measure vanish into thin air—the danger too and ruin—along with the groundlessness of this measure—become apparent; and the extirpation it pro-

poses, which professes to be a weeding, like that in the parable, is proved to be a rooting out.

But the more I reflect, the more do I find myself incapable of explaining the nature of the old constitution, without going to its original source; or of intelligibly showing the dangers arising from the reformed constitution, without first showing the benefits and blessings it should be prepared to give us. I find, too, that I cannot institute the comparison designed; or show the difference between the reformed and ancient constitution intelligibly; without first showing what features or qualities they possess in common.

To institute then this comparison; and at the same time to exhibit and defend the principles of our ancient constitution; perhaps one of the most simple and fundamental methods would be to suppose our people at this moment existing without any law or constitution whatever; and suppose it given in charge to a lawgiver, as has been done of old, to frame a government for such a people; and then to prove that all the prominent features in the old constitution are such as would most rationally recommend themselves to his adoption.

This is the first imagination that has occurred to me, and it is one, which will rather expedite than detain us.

In such a supposed case, then, what, let us ask must be the first consideration of this founder of a commonwealth? He finds a number of men endowed by the Creator with certain gifts and rights—all well classed of old, as, "animi corporis et externa"—the rights of mind, of body, and of property. He cannot doubt that the great Being who gave those mental and bodily energies; and, in particular, who placed man's chief happiness in the exercise of free will, or of the self-determining faculty; did, by the very fact of creation, pronounce that he should freely enjoy these his bounties, subject only to the restraints of his will, or of the law of mutual and universal benevolence; and such rights over inanimate creatures, as man; to whom God formally gave dominion of the earth; could acquire—the right as it is technically called of property—he has also sanctioned by the awful fiat, "Thou shalt not steal."

In the enjoyment, then, of these grand blessings and true original rights, he finds us protected by the supreme sanction of God; and in them, by divine arrangement, the happiness of every individual, and therefore national happiness, (for the nation is but an aggregate of individuals) is placed.

These then are the original and only rights to which Britons have been ever constant and true, at least since the days of the first public recognition of

them on the plains of Runnymede, they are indeed often coupled with another posterior right; by no means so unquestionable, or so well defined; the right of "representation;" a word having no doubt a wide latitude, and for reformers, a very convenient ambiguity; but which taken in the extent either the other rights, or of the argument which reformers would ground upon it, I do, with all due deference, distinctly and most emphatically deny to have been—not only from antiquity, but ever, up to the present hour—a right, or an expediency, or a principle, or a practice under the British constitution!

It is upon our universal and unquestioned rights, therefore, that I exclusively take my stand, and what I propose regarding them is exceedingly simple: it is simply to compare the ancient and the reformed constitution, with reference to the protection which they respectively give to the rights of property and of personal freedom.

Upon which indeed of these two latter rights, in this comparison, I shall chiefly dwell, is not for a moment doubtful: in every man "no matter what complexion an Indian or an African sun may have burnt upon him," the panting desire and governing principle is LIBERTY! Liberty is the favourite word upon every tongue that "can shape or syllable a sound!" But eminently the sound of that thrilling name will find an answering chord within the heart

of every man born in the favored land "consecrated by the genius of universal freedom!"

But how connect these original rights with the question of government or constitution? most easily! for it is, only, from the considerations of our fundamental rights that the first notions of government present themselves to the lawgiver; the notions of its ground and foundation, its end and aim, its source and cause; and it is, eminently, from the consideration, and for the protection of the same rights, as I shall presently proceed to prove, that he will be led to frame a constitution, in all its prominent features exactly resembling the old, and, in some of them, not resembling the reformed constitution.

Government then—let us concede it to the radical reformer—is a right entirely founded upon those preceding; a human institution putting forward no primary, independent, or divinely conferred claim, but one altogether subordinate to, and derivative from, the former fundamental and real "rights of man." So far, then, and in that sense, we may admit, if the reformer desire it, "the people" to be "the source of power;" with him we may suppose that government is a right, only because it is necessary to protect the rights of the people; only as it is necessary to repel their wrongful invasion: its right, in fact, let us say, is expediency or public good, evidencing the will of God; and its end is to

protect the rights of personal freedom or property; by repelling foreign aggression, or domestic fraud or force.

From this account it follows, that every government or constitution, though instituted to protect, must slightly invade the natural right of freedom! for protection necessarily implies restraint; we are protected, only because others are restrained.—Social liberty, therefore, has to admit the restraint of government.

Now this restraint may be of two kinds. The first personal, or a restraint of discretion; this is called despotism, and need not be at present considered. The restraint of a free country, based upon the principle of "no respect for persons," implies the control, not of a man, but of a rule, and may be defined, "the power of punishing him who violates a rule or law."

Constitutional freedom, therefore, admits only the restraint of law or justice duly administered, from which administration eminently, both freedom, and all our other rights, derive their great protection.

So far, then, as freedom or property are concerned, the lawgiver perceives, in the very simple definition before mentioned, all the functions of sovereignty, and all the parts of the constitution which he was commissioned to erect! It at once implies the existence of three powers, perfectly dis-

tinct in nature; in the management of which three, almost all his skill and industry must be expended. The restraint, I say, of a general rule or law, implies evidently—first, a power of making laws—secondly, a power of pronouncing that an individual has violated them—and thirdly, a power of punishing the individual thus pronounced guilty of the violation.

Such are the three grand features essentially incident to every constitution; such are the three powers that must exist and govern in every well-ordered country; or, indeed, in any society of civilized men. The first is called the legislative, the next the judicial, the third the executive power; and each of these must be armed with sufficient constitutional authority, to accomplish its peculiar duty.

All of them, indeed, must evidently be limited by the laws of conscience, laws of God, and obligations of expediency or public good; but, so far as human check, of lawgiver or of constitution, is concerned, each must be almost constitutionally uncontrolled in the office assigned to itself. Thus, for the laws they make, legislators are not responsible; that is, no constitutional authority, nothing but popular resistance, can bring them to account—a criminal jury, again, can be hardly responsible for its verdict—and none can question the right or the duty of the magistrate to execute the sentence of the law.

Now, if the state or nation be large, these supreme powers must evidently be on a scale proportionably enlarged and magnified: to make laws for the control, government, and all the complicated interests of millions: to frame a plan for deciding all possible questions of property; and judging all who might invade their neighbour's rights: and forcibly to wield the mighty sword of justice; as a terror to evil doers, and a protection to the frontier against external assault; demands a vastness, extent, and complexity of arrangement, that brings at once the most overwhelming, and complicated subjects, before the theoretic lawgiver's mind.

The first universal observation, however, which arrests his attention, is this—that the whole plan, framed solely for the security of freedom and property, may be turned to their destruction! That law, intended to be a shield of defence, may easily be made a weapon of aggression—that power, erected to check unlawful transgression, may be itself applied unlawfully—that, in devising security against fellow-men and neighbours, a security should also be devised against the very authorities (themselves but frail men) erected for the general protection.

To accomplish this latter security to individuals, and thus to give that complete protection to rights—which is, as I said, the only end; and constitutes

the only right, of authority—the first and only security; the fundamental canon of constitutional protection is the division of these three functions.

The union indeed of all three (as in the civil government of Turkey, or the ecclesiastical polity of the Roman Church) is manifest, unlimited despotism—but the coupling or combination by pairs, also, the combination of any two in these three great powers—such as happens in most kingdoms of Europe where the prince unites the legislative and executive, leaving the judicial power to his subjects—does also imply a despotic discretion, and a general insecurity or want of protection to all individual rights. Thus, if legislative and executive power be united, a constitutional power may wield the strength of the whole state, in any manner whatsoever, against an individual, and the same power by law can sanction the act! If the legislature possess judicial power, then an individual is at the mercy of a body that can both enact a rule and apply it irresponsibly!—or thirdly, if a body possess at once executive and judicial power, then that authority has unlimited power over every individual, because it is authorized by the constitution, first to pronounce him guilty, and then to punish him.

This is the fundamental rule, maxim, and canon, which, I believe, no statesman ever can or ever did dispute.—"The first grand maxim," says Paley,

"in free states, (I quote from memory) is this—
"let one body make, and another administer law."
"The opinion of perfect security—not to fear a
"single person in the state—" says Montesquieu,
"is political liberty. Now, there cannot be that
"liberty, if, in either a person or a corporation,
"the legislative and executive power be united, for
"then the same power can make tyrannical laws,
"and execute them tyrannically. Still worse, if
"judicial power be added to either; joined to ex-
"ecutive, the judge has force to oppress; joined
"to legislative, the legislature has arbitrary power
"over the lives and properties of individuals; and
"all is lost, if the same man or body have the
"three powers at once."

The division, then, of these three powers, I repeat, is the first great protection of rights, and the first great canon of security to individuals; the plan, therefore, of a free constitution consists—first, in the division of the legislative, executive, and judicial powers; and then in the detailed wise adjustment, and liberal regulation of each.

For the present we shall confine ourselves to the views most general:—the more detailed regulations can be considered most aptly when we shall come to the second member of our comparison; when, I say, after showing the dangers to freedom and property resulting from the new order of things, we

come to consider the well-secured blessings we owe to our old and betrayed constitution.

But here; having established the division before mentioned; another stupendous difficulty will beset the mind of an enlightened lawgiver, providing for the rights and liberties of a people.

It is this.—One of the three powers has, by its very nature and definition, the right to dictate all governing rules and regulations for the society; what then is to prevent its frustrating at once the whole intentions of the lawgiver! What is to prevent, I say, its annihilating the executive and judicial powers as by law established, and concentrating upon itself all the supreme powers and functions; a concentration of three, or two, of which, as I said, is despotism and slavery?

Against this melancholy and destructive result there can be no external resistance admitted—it is for the support of law alone, not for resistance or opposition to it, that courts of justice are erected, and that executive authority is invested with civil and military strength; and that oaths of judging and of governing according to law, are imposed by lawgivers, who would add religious to political sanctions—thence necessarily, the only constitutional security, against the encroachment or political omnipotence of the legislative authority, must be in-

ternal; must be found within itself; in its own adjustment and interior constitution.

From this, it follows then, that as before, the canon of security to individuals is the constitutional division of the functions of sovereignty; so similarly, the canon of security for that free constitution itself, is this, "divide the legislature."

By this division, by this internal counteraction alone can a power be restrained, which in a moment, by a single resolution, can at once subvert whole established bodies of law; can overthrow all the rights and liberties of individuals, at one fell swoop; and invading executive government, and seizing judicature can instantly subvert the whole form and plan of the free constitution.

Division of the legislature may, no doubt, possess other great collateral advantages—thus two independent bodies, with different interests, are far less likely to do, or to undo, mischievously; and the introduction of a third will far more than triple the chance against injurious enactment or repeal: nay, triplicity of the legislative body, may not only overthrow, but also prevent the proposal of mischievous change, so completely, that in England, where that form of legislature has been established; and established, up to the date of the new reform bill, upon principles of perpetuity; but very few great constitutional changes—viz.: those of septennial parlia-

ments, independence of judges, and Roman Catholic relief---have, by a legislature in constant action, been introduced in one hundred and forty years!

But, still, the grand benefit of a divided legislature ---so far as the rights and liberties of individuals are concerned---is the exclusive security which it gives, for preserving the established division of the three great powers before mentioned. Judicature indeed, with us---being invisible, and in a jury---is not easily seized; but, to secure the executive, which always is in danger, it is necessary, beside other precautions, to give to that power a legislative veto.

So far then, the lawgiver would, I say, provide for our rights and liberties, by introducing two regulations as the fundamental rules of a free constitution—these to avoid possible misconception, I shall repeat—viz.: First divide—separate into three distinct and independent authorities,—the legislative executive, and judicial powers; and secondly subdivide the legislature.

Hitherto we have looked to the common source and principles of both constitutions, and thus far considered what both possess in common. Both alike consist of the three simple forms of government, which---though admitting an infinitely varied combination---are yet the three only elements of which all political governments must be composed, and into which they may again be resolved. The

reformed and the old constitution, therefore, alike consist of monarchy, aristocracy, and democracy; and both recognise the principles now laid down; first, of three divided functions of sovereignty, and secondly, of a subdivided legislature.

We now come to their differences!—and henceforth we shall grapple more closely—though not without the preceding considerations intelligibly—with the present measure of proposed reform in the democratic element of our constitution: and what I propose generally to prove is, that, the old constitution gave to these regulations a perpetuity, which the new does not; that the old constitution gave complete and enduring protection to the right of property and freedom; and that neither a sufficient nor a stable protection is given to them by the constitution thus reformed!

To begin, then, with the right of property.

This right, when regarded in a distinct and separate point of view, is of the two far the least important, and therefore regarding property---thus separately considered from freedom---I shall not speak largely, but briefly I shall say and endeavour to prove, that the protection of property—naturally exposed to a thousand risks and invasions----requires a law of representation varied as in the old, and not almost uniform as in the new constitution.

In saying this, I know that I am met at once by

two objections: the first, that by this Bill a full and permanent protection has been promised to property of every kind; promised by able men; by men having a stake in the country! the second is the objection urged by most radical reformers, that property, as distinct from number, has no claim to representation whatever.

Each of these, therefore, I shall consider in order; particularly as while refuting the first objection, I may expose the practice; and while refuting the second I may overthrow the theory of modern reformers, I may at the same time establish my own positions ---for the statement of truth, and the refutation of error very naturally proceed together "*pari passu!*"

Now; with regard to the first objection, that by this bill a permanent protection is professedly given to property; I admit that his Majesty's ministers did profess to introduce a reformed representation, as much based upon the principle of property, as governed by a reference to the stability of our monarchical and established institutions; and I know that it is said by them the present reform bill fulfils all these objects; but the assertion; with due deference to such or to any authority; I am forced by the commanding voice of truth flatly and resolutely to deny—what stability it gives to established order, we shall presently enquire, but with regard to its

full and fair representation of property, a remark may not now be amiss.

First then it looks, I say, singly to fixed property, and not at all directly to a far larger class of property—to that called moveable. It gives representation to houses and lands, but how does it provide adequately for money, goods, or merchandize? Grant that it may consider sufficiently the rural or the manufacturing interests, still what proportional representation does it give to property on the seas? what to property in the funds? what to that in stores, in ships, in bills, and notes? what to that connected with an enormous colonial department, all of which hitherto found the representation—which, as yet, they will have to claim—in the variety of the elective franchise; and which now are almost altogether unprovided for!

But secondly—not delaying to notice distinctly the commercial, funded, shipping, or any particular class of property, however vast and various—there is one general description of property, from every source derived, from which in my idea it rapidly goes to withdraw protection altogether! I mean briefly, large property! For who, let me ask, is now the natural guardian and protector of such proprietorship? is it not eminently the legislator, who is himself a large proprietor, or the nominee of one—I repeat the nominee of one, and

no doubt it may seem absurd; but still I will maintain and repeat, that a man so nominated has practically for clients; and for his real, though not formal constituency; the most powerful and important body of all; namely, every large proprietor in the kingdom!

I know that in reply, gentlemen—as ridicule is as much for, as reason is against the new reform—will sportively play with the images of old houses and old walls; and conjure up the shadows of old Gatton, and old Shoreham; and catch and amuse our fancy with all that is picturesque in politics; but removing this pleasant drop-scene; and discovering behind the curtain the actors as natural men; we behold them conspiring in pernicious pleasantry against the absurd principle of a legislator "by nomination"—a pleasantry which, though now exclusively directed—for reformers are too discreet to attempt two things at once—against the representative assembly; and against the nomination of wealthy subjects; will soon be found well provided with a masked battery in reserve, against a different order of legislation, which to the derided principle of "nomination" adds the far more derided one of "perpetuity and inheritance."

Not deterred, therefore, by any sportive pleasantry; in which I am myself, on common occasions, well pleased to join; and still resolutely, however

ridiculously defending truth and right, I ask, if representation be governed uniformly—as this bill proposes—upon the principles of number and small rental, what adequate representation is provided for the peculiar interests of large proprietorship? what sufficient protection is given to property accumulated in large masses?

The answer is none! or next to none! dotted here and there over the country; such property becomes, in future elections, imperceptible and inefficient as a drop of water in the sea! and after the enactment of this new bill there remains only one of two democratic alternatives: viz.: either to array tenant against landlord; as has been done in Ireland; or to ordain ballot; as an English cabinet minister—the chief minister too of public property—desires: there remains but either of these, to transfer the deceptive, transitory, and grossly inadequate power, which property might still, for a short season, seem to possess, to the absolute disposal of the demagogue.

And in either case; which you, my dear Sir, can hardly think impossible; against which this bill makes no provision; and to which it will certainly lead; what single protection remains against universal spoliation? what protection for the whole body of ancient civil law? what protection for existing securities for debt? what for existing rules of alienation or succession? what for primo geniture?

or what, finally, against—the not unknown democratic usages of—agrarian limitation or agrarian distribution?

I call on every large proprietor in the country to look seasonably to this!—let him consider, whether it is his county member; or who it is, that is the true representative of his interests? who really are now the steady protectors and guardians of his rights? and to whom, in the new democratic assembly, he will speedily delegate the absolute government of his property? at the same time I call on the small proprietor also to consider, whether his interests be not indeed the same; whether all property, I say, have not a common title; and, particularly, let him consider whether large masses---remaining undisturbed---do not prove in truth the very outworks and barriers, which protect his own acquisition; and whether a secure enjoyment of the fruits of honest industry, be not infinitely preferable to the desperate chances of indiscriminate plunder, or of scrambling confusion?

That a distinction, therefore, may be possible between cogent proof and the authority—however dogmatical—of an administration, now pledged at any hazard to support the measure by which they are to stand or fall; those considerations may suffice to insinuate. But would that they were all the grounds for feeling insecurity to property, to be a result of this destructive reformation—whether indeed they be,

will appear more fully hereafter; for the present, therefore, dismissing this topic we may come to the second objection—which indeed is vitally connected with every branch of this question—to that I mean founded upon political theory; upon grounds of social contract, or of social right!

It is an objection, by radical reformers, deemed unanswerable, since the days of Rousseau and Tom Paine; by whom it was discovered, that a man to be free must possess representation! freedom being then---for the first time since the creation---ascertained to mean simply the right of electing a legislator.

An unsophisticated honest man would call it passing strange so to apply or define, the word perhaps, he first pronounced and best understood.—Lexicographers would call it barbarism; and rhetoricians catechresis---But still "words are things," and "definitions the foundation of all science," and accordingly upon that word and definition was founded the French theoretic revolution of 1790—and it will, still, be found a foundation firm enough for all the agitation by which the honourable members for Preston and Waterford are, yet further, to improve our constitution, and country.

The argument, therefore, which, connecting representation with freedom, gives to both the same indiscriminate universality deserves reply. In answer, then, at once to all radical reformers—the chief

supporters of the present measure—who, maintaining the doctrine of strict political equality, urge upon us the principle of the accurate proportion of power to number—or of the "sovereign majority"—and many of whom state the omnipotence of any numeric tot exceeding a semi-population, so broadly, that plainly in their intention this omnipotence is not always to be controled by any principles of conformity to the law of morals, conscience, or religion—all of which, no doubt, legislatures have not only frequently violated, but legislatures constructed on numeric principles; or on principles at all resembling them; will, to the end of time, I am deliberately convinced, violate outrageously!----In reply, I say, admitting, for a moment, upon concerns; such as those of person, of soul and body; equally interesting to all, the rightful claim of number to power—which, yet I only admit for mere argument, to supersede the infinitely higher claim of wisdom and goodness, of prudence and morals—still admitting, for argument, upon such subjects a power proportionate to number; why pray, by analogy, upon subjects of which property alone is the subject, should not power similarly be proportioned to property—why if property alone, I say, be the peculiar object of taxation—why if it be the subject of by far the greater part of the law of crime—why if it be also the exclusive subject of the whole vast

code of civil law—why, if upon all these matters property be a subject of legislative enactment, should it not be also, so far as such matters are concerned, a source of legislative right.

But what, in addition, if property give what is, since the fall, the strongest principle of unregenerate nature; some peculiarity of interest, I say, scarcely impossible opposition of interest to those paramount principles of public good, the security of innate and of acquired rights: and what, if it give a peculiar interest—in fact the same, though in conception different from the former—in the stability of existing government and established order, and in resistance to revolutionary innovation—which none will, I believe, deny to be in itself, and abstractedly considered, a fearful, destructive visitation; fatal to security, harmony and happiness; to quiet, peace and love!—then I conclude that property—as the subject of civil law; the subject of criminal law; the object of taxation; the source of education; the strong hold of interest; and the check to revolution—may rightfully give to the large proprietor more than the weight of a bare unit; and therefore give a claim to the general proprietary interest far beyond the amount of their numeric total. And if, then, rights of property are thus to be mixed and combined with rights of person, with claims of education and moral discipline, of

wisdom and goodness, (which two latter qualities, indeed, if capable of a priori selection, might justly challenge for themselves the exclusive right of legislation,) and finally with claims of mere number; then is the time for sage wisdom, deep views of policy, and enlarged experience, carefully to weigh, and dexterously to combine all these separate claims and variegated interests, and by a wise classification of social ranks, and a carefully varied distribution of political privileges, to provide at once for the peculiarities of some members in the society, and for the general interests of all.

Having thus far compared the two constitutions, so far as property is separately concerned, we shall now compare and contrast them with reference to freedom; and upon this second great topic I shall be more detailed—not only because liberty is an interest infinitely superior, but also because it involves and includes the other; because, I say, every danger to security of person is danger to property in the same degree.

And here—let it be recollected, as was at first proved---that liberty is immediately dependent on the division of the legislative, executive, and judicial powers, and remotely on the subdivision of the legislative.

On the latter point then, briefly, my positions are—that the reformed does not provide; and se-

condly, that the old constitution did carefully provide, for the perpetuation of national freedom.

First, then, on this topic of danger to liberty, whence, let us ask, whence—in a constitution adopting these two fundamental principles—can danger arise either to the preservation of freedom, or to the stability of that constitution which secures it? This point I shall now use one—in my judgment the chief—argument to manifest.

In reflecting, then, upon such a mixed constitution, an enlarged view will discover that—amongst many grounds of revolutionary change common to all countries—it contains, within it, one prominent principle of destruction! for which, therefore, there should be prepared some sufficient provision or counteraction.

One member of the constitution, in fact—the executive—it appears, requires a vast array of civil and military strength, demanding vast expenditure; for this expenditure a public revenue must be supplied; and—though up to the reign of Edward I. the royal treasury with us was not dependent upon popular representation, but was supported mainly upon principles of the feudal system introduced by the Conqueror; of which many relics remained till the famous statute of Charles II. abolished, at once, the principle of military tenures and all its fruits. Still—as it would, I suspect, be hard in a free coun-

try to adjust taxation, so as to separate it from a legislature predominantly representative, perhaps deep reflection will ultimately place it, as it is placed, in our constitution. But this adjustment again, evidently allowing a member of the legislature—prohibited by the executive veto from direct assault—to destroy that function of sovereignty, indirectly; by refusing the aliment necessary for existence; it requires infinite precaution to counteract the misapplication of this power of taxation, so as to save and perpetuate the original plan of the constitution.

It is to guard, therefore, against the abuse of this latter power—inconsistent, if not counteracted, with the safety or independence of another branch of supreme power; and which, if unprovided against, would destroy the stability both of constitution and of freedom; by allowing the popular branch of the legislature to usurp executive authority, and to simplify and new-model, at pleasure, the whole mixed form of government—it is to guard, I say, against the abuse of that democratic arrangement, which, in our country, vests the taxing power in the representative assembly; and which, thus, would allow that branch of the constitution to invade both regal government, and also the aristocratic element, which owes to royalty its protection and existence; that a third canon of stability must be established,

and some principles of conservation be introduced, relating to the popular assembly.

But the---seas before remarked---since they cannot, by the plan of the constitution, be external, must be internal: in the composition or framework of the representative assembly itself. The last canon, therefore, necessary to save such a mixed constitution is this, "divide the taxing chamber;" which has power to invade, and temptation to overthrow, the executive government; or the established plan of the constitution.

Now the elements of the division which it is thus necessary to introduce, are---like those before noticed, as necessary for the protection of property---the very boroughs which the reforming measure would sweep away: thus depriving the executive and the third member of the legislature connected with it, which are now too weak; and scarcely at this moment independent; of their last and only protection.

These close boroughs, then; though defects which modern political surgery---like him who would beautify a camel by cutting off his hunches---would remove from our legislature; I maintain to have a vital and necessary function; namely, the preservation first of the constitution, and then of individual rights; the protection, I say, of regal government and of hereditary legislation, and thence the protection of private property and of personal freedom!

Hence remark that it is, chiefly, with reference to this third rule now announced, that we shall institute the comparison of the two constitutions, so far as liberty is concerned; to that rule namely, which however expressed, means simply to establish such a law of representation—such a constitution of the representative chamber—as will give independence to the other departments of government.

And my argument is, that, if the latter provision be neglected, it is of no avail to have observed the the preceding two---namely, a divided sovereignty and a subdivided legislature—for then you have only, as Tacitus desired, framed a mixed constitution, but you have failed, as he predicted, in preserving it; you have, to borrow the illustration of a distinguished poet and sound politician, like the French architect---in point of graceful symmetry and light uniformity---improved upon a strong built old English bridge, but neglecting some complicated adjustment for equilibrium, or latent principle of stability, like him you behold it quickly turn upside down!

The illustration will suit our two-edged argument, viz. first, that precisely similar is the error of our Reforming architects, who destroy the equilibrium of government; and will therefore soon behold their society inverted, with its popular basis upwards---thus overthrowing the whole edifice of our ancient constitution, and with it all the shelter and security it gives to property, rights, and freedom—and se-

condly, that no such blundering mismanagement as this was exhibited; no such "pons asinorum" was erected by Him, who indeed reformed it in days of Glorious Memory—especially by the restoration of all its "ancient prescriptions and characters"—nor by the sages of other days, who never overlooked those varied and complicated details of machinery, which however exposed to superficial ridicule—still reserved for the principle of a legislator or "a mathematician by inheritance!"—have yet, I am absurd enough to say, alone given to the constitution its unrivalled stability; and thus perpetuated to our people, for above five centuries, a freedom unexampled in the annals of the world.

If such illustrations appear too indefinite, and if it be directly asked how far nomination should be combined with, and introduced into, a Representation regulated so capriciously and variously; as is done in our Constitution? I answer, that, as the regulation had been hitherto conducted upon the principle of a necessity felt and experienced, so we have, now, exclusively to judge by effects! to what extent then is nomination by experience found to be necessary; to maintain the original plan of the free constitution, and beside giving security to property, to give security and independence to every member of the legislature? if it be said that from the extent of nomination the representative chamber is too weak for its own complete protection, or its legislative inde-

pendence then by all means diminish it—even at the sacrifice of prescriptive right, and ancient institution, sacrifice all to this case of extreme and paramount necessity—But is, on the other hand, the representative chamber at present sufficiently strong? and are the other legislative corporations sufficiently weak? Then, I say, do not abridge, do not diminish it.

It is absurd to say, in reply, that a burgess is the representative of an individual; and not of a general interest: for who I ask is that individual?—a proprietor: can then an individual enactment be introduced for the advantage of his property alone? No: then he is the representative of property generally; the representative of every proprietor in the kingdom; the nominee of a peer is, in like manner, a member who upholds not the interests of that peer separately, but those of an order—of the upper House itself, which, without its connections with the Commons and with the Crown, would not, as Burke says, live a single year!—and the member for a government borough is stationed there to secure the prerogatives of that Royal master from whom his authority is remotely derived. All this I speak at present but in general language; it will be for me hereafter to give more probability to general assertion by detailed statement; at present what I say and shall try afterwards to confirm is, that this Reform measure generally, will cause first more insecurity to property

than at present exists; by substituting almost an uniform for a varied representation; and secondly, by endangering---by infinitely I say aggravating the danger---and not improbably in the end subverting the constitution, will endanger; along with property; the security, the liberty, and life, and all the original rights and social privileges which as men we value, and which as BRITONS are our birth-right!

I shall now, as I proposed, proceed to trace, to their source, the dangers arising to freedom from this new measure of Reform, which would reject the association of the principle of nomination with that of general representation in the same assembly.

The first effect then of this measure, I boldly say, is obviously to increase—mark me—obviously and largely to increase—the power, as well as the subverting tendency of the Commons' House of Parliament.

For what, I ask, is the universal ground and argument for this Reform? Is it not the influence of the king, of his ministry, of the peerage, or of a wealthy proprietary, upon the members of the representative house. And what accordingly is the scheme or remedy proposed? Is it not infinitely to restrict, or rather altogether to annihilate that influence? Now, Sir, is it really no constitutional power; is it no protection from the assault of a body upon established privileges; to have more than one-fourth of that body representing, maintaining

and defending these constitutional privileges and interests. Who can say this? Can any think it for one moment?—and if granted, who can doubt that either the withdrawal generally of protection gives an increased power of invasion; or that the diminution of power in two supreme estates must be an increase of power in the third.

To me, indeed—who am as simple a thinker as a plain speaker—no mathematical demonstration can appear more cogent, than that if a supreme power, or any given portion of power have always to continue in three departments; in A. B. and C.; to weaken two must be by exactly the same quantity and amount to increase the power of the third; indeed it must be increased in a twofold view; first absolutely; and next, still more, relatively; relative change involving both diminution of one quantity, and increase of the other. Now of this change one result will be as—I shall try to prove both by theory and example—the overthrow of the equilibrium still maintained by all the existing antagonisms of our constitution—whether they be forces direct, oblique, co-operating, or resisting—one result will be, that an equipoise of balanced restraint and reciprocal controul, will, when certain constitutional powers become crippled, and comparatively extinct, pass into a fixed and decided preponderance.

Now, Sir, is this necessary? Is this advisable? I think not—and the reason is, that I find the power

of the Commons' House of Parliament to have, already, uniformly and even formidably increased; already, I say, when subject not only to external check, but to all the internal influences complained of---and both in a far higher degree than at present; the proportion of members, for example, in office being reduced to less than one-fourth within the last century---and without dwelling on other explanations of the phenomenon; of which perhaps not the least intelligible would be found in a Free Press, and in the newly invented conversion of Petition into a vehicle for association; the reason which alone I shall notice is, that it possesses, by ancient prescription, the preceding all-powerful right; one which not only gave it birth, and prolonged its existence, but steadily though insensibly augmented its power, even against the opposition of despotic princes.

Of this, history is a witness. The first Knights, Citizens and Burgesses were summoned by Edward the First; as his writs stated; "ad faciendum et consentiendum," to impose taxes and consent to laws; They could absolutely refuse supply; but could only consent to laws, not introduce them: The proposal, or initiative of legislation, belonged to the Crown, and a higher council—who pre-advised, and submitted only such measures as they approved to the deliberations of the lower house—Such was at first the restricted authority of the popular assembly!

The privilege, however, which gave birth gave strength: soon they began to interfere by more than mere secondary deliberation---first, by petition, which gradually passed from a form more general to one more full of clause and detail; and soon the argument was understood of "no supply, or else a reply to our petitions."---Under Edward II. petitions were tacked to money bills; and demands and supplies made, as it is said, to go "hand in hand together." Gradually the right of impeachment was assumed; and, next, it was refused to pass a money bill, till petitions were properly answered; and in the end the claim was definitively established of moving, preparing, and originating every measure of legislation; and of retorting them in turn for consent upon the other orders; and the King and the Privy Council were restrained, not only from initiative of laws, but even from amendment of them!

So infallibly does history confirm the most obvious deduction of reason; that the power of refusing what is absolutely necessary for existence can ever obtain new strength and exact new concession; and prove that even still, when thus cautiously counteracted, and strongly balanced, it might, as in some instances it has done---and upon one occasion, nearly two centuries ago, with complete and disastrous success---encroach upon the legislative independence of the other orders.

This independence, I would say, in my judgment is invaded—is invaded; and the principles of our constitution abandoned; whenever it is announced, or insinuated, that discordance of judgment will meet refusal of supply. But has this argument been never insinuated against the crown? Have bills in our history been never tacked to money bills? Has the crown been never checked in the distribution of honor or office? Have there never been restraints upon Royal action—not only by impeachment of ministry, and all but dictation upon the Royal choice of his Majesty's servants, but--upon more minute details of executive appointment, and on every possible exercise of Royal prerogative? Has it never, of late, been urged as "a difficulty" to the Lords also; upon a vital, constitutional question; for the two Houses to disagree?—that is, a difficulty for Peers to follow their own judgment, upon a question which the Commons had chosen by a slight majority otherwise to decide? Have we never, indeed, heard, in history, of censures proposed—of breaches of privilege—of a house "neither useful nor necessary!"

And if so, do you not see facts—to which I can but briefly allude—speaking plainly; and does not common sense also say, that an annihilating power will destroy independence, unless there be protecting and counteracting influences in immediate con-

tact with itself? does it not say, that such influences as will promote a sympathy and benevolence, instead of counteraction and ill-will, are necessary for the safety of the parts of the constitution exposed to annihilation? Does it not, finally, say that the Commons can overthrow the independence of another constitutional order, by refusing supplies, or by making them in any degree conditional? Or again, by making that condition to be the extinction of any external power or privilege; or the transfer of such privilege to themselves; may gradually invade all external prerogative, and usurp successively such powers as they please! and thus overthrowing the government; new-modelling the constitution—which, observe, may be done without responsibility, either to the house for decreeing, or to individuals for proposing,—and taking to themselves, first, undivided legislation; and secondly; what will always follow; the functions of executive and judicial authority, to become, under the name of representatives, the real tyrants and masters of the nation—first, corporately, and then more despotically by the gradual concentration of uncontrolled powers; and their final devolution upon a general or a leader!

And such, in my mind, will not improbably be the end of the British constitution and institutions, of British happiness and liberty—unless Providence

avert it, or if, as might alas! be the case, willing to visit national immorality and infidelity in high places; "quem Deus vult perdere, prius dementat"—It is, in a word, my fear, that an increased power in the Commons' House—enabling it to invade the established regal and noble authorities—may gradually cause a legislature, of divided form and self imposed restraint, to pass first to a legislature single and uncontrolable; and, then, that this unchecked legislature, gradually assuming all the executive power, and so much of judicature as may be necessary for its purposes, will not only, as I proved from the commencement, thus overwhelm liberty; annihilate individual rights; cause ruin and dismay to overspread the land; but ultimately enable a conspiracy of democratic leaders, with a military chieftain, to overthrow the last delusive form and semblance of a free constitution; to erect military government, and proclaim martial law!

And thus the danger of this pernicious and infatuated measure is,—which danger observe, I have in reserve some further facts and arguments to confirm and exemplify,---in my estimation, that the British constitution; the envy of the world; the theme of praise and song; the high achievement at once of lucky circumstance and of politic skill; built, as the Lord Chancellor well expressed it, "upon the rock of ages;" though himself would

remove it from that rock, and place it upon the sands of yesterday! a constitution giving to its people the grand benefits, of protected rights, of established order, of freest communication of thought, of religious and moral discipline; is to give place to a piece of inartificial, unrefined, political machinery—such as Tartars or Indians might devise—to an unmixed democratic constitution; one of the earliest inventions of uninformed man, and the sure guide of the vast majority now upon the face of the earth, into the iron fastnesses and grinding oppression of despotism.

In a word, uncontrolled democracy is to take place of balanced government—and the age of reason, march of intellect, perfectibility of the species, and inexperience, folly, and jargon, are to overthrow the "rock of ages"—and Voltaire, Rousseau, and Tom Paine, are to trample upon our Sommers's, and Pitts, and Burkes, and Cannings, and that succession of patriots and worthies, who have hitherto preserved for us the rich legacy, which our ancestors had won.

Observe, I do not say that this is a bill directly to assault royalty, or peerage; or strictly to recognize, in our constitution, the principle of perfect equality of representation, or of an indefeasible popular sovereignty; but I say, that it goes, and that by decisive and gigantic step, towards all those

results!—It approaches, I say, more than the safety of our constitution admits, to the principle of the government of number, or of uniform representation—it approaches, and proximity will be only an invincible argument and precedent for full coincidence—it weakens, I boldly say, it greatly and destructively weakens the regal and aristocratical parts of our constitution; and that weakness in the end will cause, as it will invite, their demolition. I most fully agree with the member for Waterford—whose whole life is professedly bent on pulling down all that is aristocratical; on upholding universal equality, and universal suffrage, and making the principle of "the people the only source of power" his after dinner toast, and favourite theme—with him I fully agree, that this is "the first great instalment of that debt" which he considers "due to the people," and that if paid "their demand for the balance will not only be safe but certain."

I am aware, that many will deny the change, of a mixed form of government into a constitution simply popular, which I have stated as the great source of danger, to be any evil whatsoever! For such denial I am fully prepared; having therefore traced the danger, threatening the existing form of free constitution, to its source and principle, I shall now proceed to unfold the results in their actual detail; by which it may appear, that a change of

constitution is not an innovation merely opposed to theory, but most intimately and substantially connected with the security of every individual.

Before, however, proceeding in any detail to unfold the exact course of things following this reform; or the consequences of that representative preponderance, to which both its principle of an exclusively popular representation, and its details will finally and certainly lead; I must, to give cogency or probability to my views, exhibit the chief events which did actually occur in constitutions of this mixed form, when their equilibrium was overthrown, and a government simply of popular representation was erected.

For this purpose I shall proceed to show, by two remarkable cases---the first recent and in a neighbouring country, the other more remote, but in our own—how necessary it is anxiously to guard against the invasion of regal and noble privileges by the representative assembly; and fully to illustrate, further, by two grand experiments, how regularly their gradual overthrow, and the erection of a single representative legislature will lead to the assumption by that body, first of executive power, and next of so much of the judicial as its purposes may require; thus placing the rights and liberties of the nation, as I proved at first, in a state of ruin, confusion, and danger, till all will end in military despotism;

while the whole process and progress to that sad consummation will be accompanied with collateral evils---the overthrow of peace, freedom, tranquillity; insecurity to private property, and freedom; with evils, I say---of such a magnitude as must be reflected on with horror and dismay.

I know it will be said, that example proves nothing, and is but accident: in some cases I do not think so: sudden destructive accident can hardly reach a wisely regulated state; could, for an instance, the usurpation of a military chieftain at present succeed in England? or the protection of law and justice be practically taken from the people? No; not now: but after this reform they may, as I shall prove hereafter—Indeed generally the history of men is chiefly the embodying of the principles of their arrangement; it is the opening out of their constitutional combination; and on this subject accordingly, if two examples will not suffice, many are at hand,—look, I say, to a scale of vast experiment —bow to the enlarged experience of the illustrious Stagyrite, who examined the constitutions and revolutions of two hundred republics—hear the authority, too, of Polybius, that most deep and learned politician. The round and cycle, says he, (I shall, for brevity, give only the substance,) of all unmixed governments is this, Monarchy being overthrown, public gratitude will promote the leaders of the

the revolution, and hence an Aristocracy; the authorities so constituted, a leader of the multitude will next overturn, and with the mob, form a Democracy; and for a short time law and liberty will be respected; but soon ambition will be introduced, and rapacity; and a violent mob, under guidance of an unprincipled chief---who will gratify them by wicked laws, unjust impeachments, corrupt judgments, &c.---will confiscate, plunder, banish, and murder individuals, and assail the constitution, until by union of civil and military power he can establish a DESPOTISM. If you say all this is accident, I ask how have all the despotisms of the world now existing been established? Why in every unbalanced government in the world has a similar result ensued? Why---if it were that the individual always formed the opportunity, and not that opportunity predominantly invited the individual---Why in England was not Cromwell the first general to restrain the legislative assembly by armed force? why, in France, before Napoleon's success, was a previous military assault made on the national convention? and a previous unsuccessful attempt made by three members of the directory to establish a despotic triumvirate? and why finally in Rome, after the demagogue Gracchus broke the senatorial protecting power; and overthrew the balance of the constitution; why had we in such rapid succession the despotism first of

Marius, and then of Sylla, and then of Pompey, and then of the Triumvirs, and then of Cæsar? for all there is but this one reason. The constitution gave opportunity, and ambition seized it.

Let us see then how far those principles admit confirmation from two examples; from a brief view of two revolutions—those of England and France; and upon the latter, I mean the revolution of forty years ago, I shall more particularly dwell, because its results are fresh in some memories; and because it was founded---like the present reforming measure—on the subversion of chartered and corporate rights; on the augmented power of the house of deputies; and on a principle approaching to political equality, or to the proportion of representation to number.

As well as I remember, then, the first great step of the chamber of deputies was, to alter their number; to take the title of a national assembly; and to refuse to dissolve upon the order of the king: the next invasion regarded that supreme constitutional authority, the veto; the house finally resolving, that the veto, in king and upper chamber, was not absolute, but only suspensive; that is, competent to oppose, but for a limited time, the national will expressed in the lower house! They then proceed to a declaration, trying to give a definition of law, of sovereignty, and of liberty; a definition which, however absurd or ridiculous, was yet at the bottom

of all the absurd chimeras of that day; and is the very groundwork and foundation of all the ruinous delusions of the present! Of sovereignty this was their first account, "the people by its representative wills, the king executes,"---thus giving all of legislation undividedly to representation; which from the beginning we proved to be inconsistent with true political theory; because division of the legislature is necessary to that which constitutes the sole right of government, and single end of law, viz. the public good, the liberty, property, security, and happiness of the people!—and in conformity with this account of sovereignty their view of liberty, as the "power to vote for a legislator," was one which, however ridiculously it defined an old and well understood word, has yet sadly abused the public understanding, and caused torrents of blood to flow! The next great contention, as I remember, was with the upper house, on the point of a legislative union; and though at first the peers dissent from the principle of a single legislature, yet forty-seven nobles acquiesce, and the majority quickly follow: the peerage at the same time, abdicating all their privileges.

Here then was an undivided legislature and all their legislative proceedings were at once conformably uncontrolled, and of a democratically bold and decisive character. For example, on one night they decree the country to be in danger, and Lewis XVI.

suspended from royalty. On another they decree the redemption of tithes, and the destruction of every chartered privilege of corporation, town or province. Pursuing, still, the doctrine of equality, a plan of military conscription was decreed upon the principle, that every man, of whatever rank or station, was of right a soldier; in peace from his twentieth to his five-and-twentieth year, and in war so long as his services were required; and finally, marriage itself was pronounced a civil contract, and its dissolution was consequently permitted to either party at a month's notice: a decree, which caused more divorces in the three first months of 1793, in Paris alone, than have happened in our united kingdom during three hundred years.

But let us look to their proceedings so far only as property and liberty are concerned. First, then, they seize at once all the church lands, and issue assignats, giving judgment debts upon the confiscation; and---though, in the end worth scarcely one shilling in the pound---made them compulsory in payment; thus involving honest men, first, in ruin, and then, indirectly, in plunder. With reference again to this new paper currency, it was further proposed by the chancellor of the exchequer, Necker, ---then, like our chief financial minister now, the leading patron of radical reform—that it should not be received in payment of tax or duty; a proposal

which, if carried, would ultimately have transferred the whole private property of France to the treasury! With a result in degree similar, the abolition of the national debt was proposed, and the proposal only failed because opposed to the interest of some popular leaders: but still the principle urged for it—namely, that the new government was not bound by the acts of a predecessor—was recognised, when the question of the validity of foreign treaties was, by the national convention, formally referred to a committee.

Such decrees, combined with the fact, that pensions at first promised, at a time of confiscation, amongst the rest to the plundered clergy; were subsequently wrested from them by the imposition of tests impossible to take—oaths of attachment to the newly established order being imposed both on them, and on every suspected individual.—Such, I say, may sufficiently illustrate the views with regard to property of a legislature constructed upon principles exclusively popular.

But as our chief concern is with liberty, or with the regulation of the legislative, executive, and judicial powers—on which regulation as we proved political liberty exclusively depends—and, as one half of this whole argument is designed to convince a numerous class of reformers that our mixed constitution provides for liberty better than a pure de-

mocracy---to which the reform conducts---will or can do; it is very essential to the force of this argument to illustrate, in sufficient detail, a democratic adjustment of these three powers, for the fearful results of which I must refer to the most celebrated production of the illustrious Burke.

Let us first, then, briefly allude to their newly framed constitution of legislature, and out of the whole mass of absurdity I shall select only the scheme for representing population. Having divided France into departments, each eighteen leagues square—by successive square subdivision—they get first communes, and then 6,400 cantons; and then arrange the system of representation, so that the sitting members are withdrawn from all connection with the constituency! In fact every two hundred inhabitants in the canton elect representatives for the next square division, the commune; but the representatives so elected are themselves but constituents, who choose by a second election deputies for the department, which latter again choose the members of the legislative convention. Here, then, we have the people held to be the only source, and delegation the only title of power; and yet by interposing two orders of delegates between legislator and people, the sitting deputies are in fact no deputies at all! The demo-

cratic legislators thus becoming, as was designed, independent of all control.

Such was part of the representative scheme, designed to govern the destinies of a country! a scheme, which rejected all classification of citizens---the fundamental object of all lawgivers, ancient or modern---and which recognised no power like the regal government, as the centre of cohesion either to the members of the legislature or to the districts of the nation; but which rather, for better disunion of the nation and easier tyranny of the demagogue, contrived to dissever every old association, to confound all established territorial limits, ecclesiastical or civil---"magistrate or bishop no longer knew his district"---and to dissolve every bond that might possibly serve to reunite, or bring back to freedom a population at once enslaved and deluded.

Such was the general scheme of legislative polity, and such the constitution of a national convention, which rejected all external control, and even the internal restraint of precedent, form, or rule; it had neither senate nor council to guide its legislation—it admitted no fixed maxim, or bye-law to give so much as form to its debate; every-thing of antiquity, precedent, consistency, or orderly regulation was banished, and nothing relied on to reduce to order a chaos of 750 revolutionary members, but the common sense of the moment,

the influence of leaders, or the influence of personal fear!

What the character of a representative assembly---upon which I dwell, not as a mere historic fact, but as almost a democratic necessity---so constituted was, we may guess from their acts; and from the fact, that not fifty members of the whole number had the benefit of a finished education, or felt much interest in the security of acquired rights, or established order; not fifty in fact possessed property of one hundred pounds per annum!

But whatever might be their character, the mass of deputies enjoyed practically no freedom of debate; they were subject to fierce demagogues, who directed besides a fierce mob, a revolutionary press; of which ninety journals were at once in Paris agitating and subverting the country; legislators were subject, even in debate, to the overlooking censure of galleries, crowded with bravos, and to the persuasive argument of the poignard and the bludgeon!

If this be deemed exaggeration, let us hear the testimony of the head of the only respectable party called Girondins, or from himself Brissotins—the party who published a declaration in favour of property—In his manifesto then to France, Brissot urges against himself the objection "why are you silent in the national convention?" and replies "because you have left honest men twenty times covered with op-

"probrium by your galleries—you have feared to "impose silence on those galleries:" and thus he afterwards describes the tactic of the demagogue. "Cambon flattering an ignorant mob, and seconded "by their vociferations, denounced as counter revo- "lutionists those who would have things discussed; "to oppose his acts was treason, to deliberate was "a crime; the voice of every deputy would be stifled; "there were spies on the monosyllables which es- caped our lips!"

But very few years before, results like these would have seemed impossible! yet such was the practical freedom of "liberty and equality," and such a government exclusively of popular repre- sentation; such was the practical constitution which Mr Fox pronounced to be "the most stupendous fabric of liberty ever reared by the wit of man;" such, the assembly empowered to model constitutions; to erect all magistracy at plea- sure, assigning arbitrary limits to their jurisdiction; and, worse than all, to plan the whole judicial sys- tem; to erect such courts, appoint such judges, or issue such commissions, as should govern the whole administration of justice in the country.

It is time now to see the proceedings of a popu- lar legislature like this, with regard to freedom, or to the adjustment of the executive and judicial powers.

Gradually all the offices of administration, as well as of legislation, were transferred to their own leaders, formed into committees for every department of executive service: at one time sixteen of such committees sat in Paris; and in particular, a supreme committee of twelve was invested by the legislature with all functions of government, and concentrated in its hands all public power; till the convention found it necessary in time to revoke its commission; various magistrates, meantime, and commissioners were created, of authorities more or less limited; and some sent on circuits, with power to suspend or remove public functionaries, and often with commissions to report private individuals for surveillance; every where committees called "of research," were embodied to be instruments of terror, and channels of communication for Parisian chiefs; of one of which, in particular, the next to incredible atrocity—though it obtrudes itself upon my memory—I am unwilling to mention; and finally, the jacobin club was, by law, invested with controul over all magistracy, it having been first provided, by a scrutiny, to expel all members guilty of "moderantism." Such was the executive, and judicature was also such as might be expected.

The whole ancient jurisprudence of the country, a legislature so constructed and so moved, but called representative and popular, at one blow demo-

lished; all the common and statute law, which regulated the rights of property, and the punishment of crime. The old superior courts were abolished; the high judges of the land dismissed: the men alone able to give certainty, or consistency, to decisions upon property or life; no longer was protection given to the country from established judicial precedent—no longer was general harmony promoted, or general expectation regulated, by recorded statute or customary prescription. Upon a question of property the oldest lawyer could not give an opinion, or if indicted for alleged crime none could guess the chance of your acquittal or the extent of your punishment.

"The whole system will, indeed, be best understood by its results; all the ex-nobles of France were banished!—the number in France, at one time, in prison, and under indictment, were three hundred thousand! The number of exiles, of landed proprietors, alone were seventy thousand! and thirty-five thousand emigrants found refuge in our own country! add to which, that pardon, suspension, or mitigation were not, I believe,—as in democracy they scarcely can be—in a single instance granted; and that forms of individual process seeming too slow for men of so large a judicial capacity, the old Roman principle was introduced of tables of proscription, and of judgment en masse!

But mark particularly, as it is our chief argument, that mere cruelty or undirected fear was not the sole end of the judicial system under this reign of terror. The management of judicature has ever been the grand engine of policy, and instrument of usurpation; and accordingly we may observe two arrangements, having such political view, with regard to the newly elected jurisdictions. The first an ordinance, that they "should not extend to the administrative bodies," thus placing their members directly above the ordinary judges, and indirectly above the law, in order that they might attempt oligarchy with security; and secondly; the better to establish a tyranny over every obnoxious individual; it was decreed that if accusation were urged for a crime against the state—that is, against the national assembly or its leaders, or the executive committee or directory—he was amenable to a peculiar court of state judicature, itself placed under the direction of an inquisitorial committee of research. This will show the probable fate of any individual friendly to true liberty, whom the demagogue of the day might accuse of treason.

I have in my memory a vast number of facts, which could harrow up the soul, all relating to the fate and interests of private men; but I omit them for many reasons; more particularly, as time warns me to confine myself to one character of

the new principle of representative government, or popular sovereignty—namely, its tendency to pass with rapid step through democracy into despotism.

Soon, then, after breaking the executive committee of twelve, the national convention found it necessary to appoint a more concentrated committee of five, called a directory, and invested with all government. Of this directory, to whom the fate of the country was thus committed, first, three resolve upon a "coup d'etat," and fail; but afterwards Napoleon, joining the minority, disperses with armed troops the legislative assembly of five hundred; fifty-three of whom remain, and at midnight pass a resolution, appointing three consuls —and two commissioners, to approve such laws as the consuls should make,—and giving to all the power to frame a new constitution.

This was the end of the liberty founded exclusively on representation; a principle which, but in a few years, and with infinite misery, conducted France through monarchy, republic, and democracy, to military government!

I shall now proceed to describe the leading, and necessarily similar results in England, accompanying the invasion, or encroachment upon the powers of highest dignity, in our mixed constitution; and, in particular, show how, from the overthrown ba-

lance of the legislative, there followed—as indeed is a matter of course,—the assumption, first, of executive government; and then, in some degree of judicature by the new and undivided legislative assembly.

One of the first most direct proceedings, in the time of Charles the First, was a resolution, that a communication from the peers was a breach of privilege; and afterwards the passing in the lower house of a bill, to take away the bishops' votes in parliament, which bill the lords at first rejected, but were, subsequently, forced to pass!

Both houses afterwards, conjointly, declare a king's message to be a breach of privilege; and frequently send to the throne petitions, animadverting also, in strong language, upon his majesty's replies; and in particular, in the case of one petition to restrain the royal residence, or, in its own phrase, "for his majesty's continuance near his parliament;" upon the king's refusal, the petition was ordered to be printed and dispersed—to poison the popular mind against regal authority—till gradually acquiring strength, the two houses usurped executive power; at first issuing commands to the sheriffs of London, and governor of Portsmouth: and petitioning the king that Sir John Conyers may become lieutenant of the tower; and then

nominating to appointments belonging solely to functions of government, or administration.

In particular, you may remember, how the lords and commons petitioned, that the sea commander, appointed by his majesty, be removed, and a new admiral, recommended by them, appointed; and how, on the king's refusal, they made an admiral, in opposition to the most ancient rule in our constitution, and the most undoubted prerogative of royalty! This their admiral, when the king removed, it was but the signal for the house to appoint another, and remove the king's! and then, to provide a land force, they pass a bill, ordering the trained bands to be mustered; and one, for pressing men to serve under their direction; till, finally, having proceeded to circulate through the country, declarations, remonstrances, and replies—which passsed between the houses and his majesty—the king pronounced an adjournment.

On this occasion their reply was ordered to be printed and read publicly "in all the churches and chapels throughout the kingdom:" of which reply the substance was, "That the reason they arrayed the militia, and seized the navy, and seized certain towns, was for the security of religion, and of his majesty's person! of king and parliament—and for adjourning the parliament,

they saw no reason for his majesty to require it, nor security for themselves to consent to it!"

After this, as might be expected, the two houses quickly proceed. of their own authority, to set on foot a large array of forces, and to appoint a general; and then they publish a declaration, that "sheriffs constituted by the the king were not legal sheriffs, and that sovereign power was wholly in them; and that the king severed from them had no sovereign power whatever."

The next and final step (after they had impeached the queen of high treason; and passed a bill to exterminate episcopacy; and voted grants from the nation for their own service, without the king's authority; and decreed that "any refusing to contribute should be disarmed and secured, and information taken against him") was at once to abolish the whole executive authority of the crown, and transfer it to the legislative houses, by voting a new broad seal of the kingdom!—both houses, at the same time, declaring, that "all letters patent, and grants under the king's broad seal, after the 22d of May, 1642, should be invalid, and that their own great seal should be of full force, to all intents and purposes."

It was not long after this suspension of regal government, that the commons prepared against the king an impeachment of high treason; which, when the lords rejected—adjourning their sittings for a

week—on their return, they found "their doors firmly barred, and fastened with padlocks!" They did not again, I believe, meet!

The commons, meantime, not discerning in the law of custom, or statute, how they could try the king, at once assumed judicature for the occasion; erecting a high court of justice, and appointing 150 judges, a majority of whom were to decide.

After which judicial murder the results might be guessed; fortified by the public delusion, and encouraged by petitions from all parts of the country industriously raised by active emissaries, the lower house vote "the house of peers to 'be useless and dangerous'—and all privileges of nobility to be abolished; adding, however, that quondam peers are eligible to the representative house—of which concession many took advantage, and sat there, as in the case of France—and then it was unanimously resolved, by this concentrated assembly, and united legislature, that "the office of King was unnecessary, burdensome, and dangerous"—and a new great seal was issued asserting the sovereignty of the representative assembly, and taking for its era, "THE FIRST YEAR OF FREEDOM, 1648."

Behold, then, after proceedings—for which we find a parallel in the case of France—the English national assembly embodied, possessing at once all legislative power, and all executive authority; and

able to interfere with judicature in whatever way it pleased. There was no power remaining in the state even, to dissolve them; they would not dissolve themselves; and intimated that it was indecent for individuals, whether private or official, to petition upon that subject; and finally appointed a committee to declare it high treason for any to propose the changing of the present government settled and established!

The history of England at that time, will, like that of France at the end of the last century, illustrate the position, how impossible it is, even for a legislature, to resist military dictation, unless it be protected by a supreme magistracy, which however it be called, is in fact and substance REGAL.

Thus instantly after the suspension of regal government, military petitions were frequently presented to the house, which on one remarkable occasion not acquiescing in the demands, sent a committee to wait upon the General. He, after keeping the committee three hours waiting for an audience, briefly said, "that the way to correspond with the army was to comply with their orders," and on the next day certain officers—having in their hands a list prepared—at the entrance of the house, detained by force above one hundred members; while the members remaining, under influence of alarm, vote in compliance with the General's views; and what was

most remarkable, the assembly of remaining members passed the equitable resolution that no member absent on that occasion should sit any longer in the house!

A second military interference occurred in April 1653, when Cromwell entered the chamber, removed their mace, and as he expressed it, "came to put an end to all their power and authority," and afterwards with advice of a council of officers, chose about a hundred persons to settle the government of the nation; who assumed forthwith the name of a parliament, and then delivered to Cromwell all supreme power and authority! In the next parliament the proposal passed to make the protector a king, and a committee was sent to confer with him on the subject.

After Cromwell's death, upon petition again of a council of officers, the old long parliament was restored, who assumed military authority, or the officering of the army—causing all commissions to bear the speaker's signature—and generally a confusion and disorder again disorganized the state, until the king's happy restoration re-diffused universal peace and joy: "it was ridiculous," said Montesqieu, to see the vain attempts in England at establishing a democracy. Public power at first fell to leaders in parliament, then to an absolute protector, then to chiefs of military detachments, until at last the

interference of the people in framing their government appeared ridiculous."

Fortified then by two experiments, upon this large scale, of the dangers consequent upon the assumption of increased power by the representative assembly, and its gradual invasion of the other orders, I would describe in this way the source, and the series of dangers, in my honest apprehension, impending over England after removing the barrier, which still protects the weaker parts of the constitution.

The upper house will, I fear, first pass, as that in France, to a state of comparative inefficiency and unimportance, almost at once! and the popular assembly gradually gaining strength will, chiefly by abuse of their taxing privilege, invade at pleasure also the regal independence; will gradually usurp dictation; abridge privilege; and ultimately assail and transfer prerogative! Regal protection being thus withdrawn, peerage must fall at once! no man can hesitate upon this---in one month a popular leader under shelter of "the sacred right of petition," could associate the populace against the existence of the upper house—and then the simple democracy so established, must almost instantly become demagoguecracy.

Such, briefly, may I fear be the result of reform, upon the ancient constitutional authorities; before

however, as well as after, its final supremacy, a striking change and newness of character will be found to belong to our ancient independent, and high-minded representative assembly itself, not improbably in the very next parliament! Of this certain, but calamitous result, it is easy to assign the cause.

For without alluding to a more remote possibility which is yet almost a certainty, that the principle of reform will soon extend from the elector to the representative; whose qualification will no doubt be changed after the late example in France; there, indeed, the rate is little above twice that for the elective franchise; and, without alluding, in that case, to an ancient historic precedent—the combination, I mean, of the inferior grade of citizens, numerically commanding the elective franchise, to elect members exclusively from their own body—who can doubt, that the conduct of future candidates upon our hustings; seeing before them an importance now infinitely increased; and that importance exclusively derived from popular sympathy; who can doubt that their canvass will be more and more a rivalry?—rivalry, in devising some new temptation for cupidity; or some new plan, or pretext, for combination—who can doubt that the temptation to seek low personal popularity, will be infinitely increased; and especially that to oppose any

scheme, however destructive, introduced, by a leader more designing, will be next to impossible—for instances, familiar enough at least to Irishmen, must teach every man the lesson so easily applied, that gratitude is no political virtue!

Hence, then, the demagogue-cracy—for demagogues accordingly, I say, will gradually assume a bolder character, and higher aims—and knowing that all power henceforth depends on the number of small occupants, will carefully accommodate themselves; especially to any elements amongst them, which "first nature or long want of peace" might have predisposed for impression.

Hence their policy will, ever, make each passing discontent, or popular distress—every comparative advantage or inferiority inseparable from a state of society—a ground for assault upon any law, or person, or regulation, or institution, to which in succession they may happen to be hostile; and a ground for introducing, also, some new bold project of a fearful depth, and fathomable only by themselves! No matter, if it be opposed to principles of moral or political right, provided it can at the same time rouse rapacity or envy, or any energetic passion.

To secure supreme power, therefore, they have only, ever, to find new pabulum tofeed the appetite of their victims; and by aid of a subservient or revolutionary press, to supply the populace with so

much of sophistical mistatement, as may throw a cloak of apparent reason over irregular desire.

But can this be difficult to minds possessing at once talent and energy, and discarding all the restraints of justice, truth, or shame? or to men, who have experimentally found that with the ignorant and discontented, confident assertion will always, be unanswerable proof, and co-existence be but another name for causation?

In this way then, guiding popular opinion and wielding popular will, the leaders at once become absolute masters of all the power, which that will can bestow.

Hence ambition will direct these leaders to the old plans, and formulæ, and registered stratagems of democratic usurpation. After straining, then, the Constitution for obvious reasons to the utmost limits of universal suffrage or ochlocracy, the demagogues will devote themselves to gaining the newly constituted rabble of electors, that by this means they may govern elections, and thus command the whole source and spring of the legislative assembly.

This we can understand in Ireland, and in England it will soon be learned, for already we find a London Committee projected for the purpose of selecting fit and proper representatives for towns.

What then remains is easy! They will then not only introduce arbitrary discretion into legislation;

framing laws or abrogating institutions at pleasure; but taking higher flights, they will capriciously invade the Constitution itself, varying now the electoral qualification, now the nature of tribunals, and now the offices of magistracy, as may suit their purpose; guarding only themselves and friends from becoming victims to the jurisdictions they create.

We see, then, that a committee of demagogues, possessing election patronage, may take, as I said, a higher flight than simple legislation; for first seizing the appointing power, they will monopolise the distribution of all the honors, powers, and patronage of the state; thus gaining supreme influence over the heads of all institutions, over all great public bodies; and filling every department of the state with their satellites; and secondly, seizing a far more important power; they will erect, if it be necessary, their subservient assembly into a court of transcendant jurisdiction; uncontrouled by rule, form, or responsibility; which shall adjust individual rights and wrongs, pass private bills, bills of attainder, of confiscation, incapacitation; or if, in the second place, they should, for decency, prefer the service of subordinate tribunals, they will, perhaps, convert courts---the grand oracles of law, and natural guardians of right---into the most destructive instruments of wrong. For who, that has but looked into history, can be ignorant how often tribunals

have been made the engines of tyranny, murder, or fraud; in the case, particularly, of alleged treason, or political offence, which affords the most ample room for deep-laid regulation.

Now add together all these powers—the powers of passing and abrogating laws; of new-modelling the rules of crime, and of property; of discretional taxation; of political impeachment; of attainder and confiscation decreed in their own subservient assemblies; of new-fangled treasons; of temporary judges, and well-selected commissaries; of vast patronage; and finally of executive government—of civil and military strength—and you will find it possible to imagine plans, by which a junta of aspiring chiefs, not restrained either by interest, or contract, or external control, will establish in a democratic state so much of interest and hope on one hand, or awe or terror on the other, as to invest either the whole party, or their leader, with powers perfectly despotic.

The only remaining achievement, necessary to complete the despotism designed, is the junction or confederacy of generalissimo and statesman, that is the direction at once of the legislature, the soul of the state; and of the army, its muscle and sinew?

For what is an army plainly, but a body well trained to the government of a blind obedience, and

naturally anxious to spread the blessings of so orderly a regulation? a body of natural fire and enthusiasm, easily captivated by a chief who has advanced their glory; of hearts grateful for condescension; of hopes looking to promotion; of interests easily awakened by the sound of advanced pay; above all, deterred from disobedience by remembrance of martial law, and quick trial, and instant execution? With an army, then, in a republic, the general's command is the standard of right; blind obedience is duty, and disobedience is death—and by armies accordingly, if civil authority will but slightly assist, there can be but little difficulty in introducing military government; when, as is the case of the khan of Tartary, the new despot's "word is a sword," the people own no principle but fear, and proclamation, obedience, and punishment, explain all public phenomena!

Having now proved in detail, both by theory and example, the series of dangers resulting from reform; and, in particular, that this measure will lead to democracy; and that democracy will lead to instability of public institutions, and insecurity of private rights; I shall now complete the contrast of the past and future, by a brief view of the freedom secured for centuries to Britons by their ancient constitution.

I am aware, that it may seem to all, who are not

radical reformers, that this latter subject may have no direct relation to the question, or to the comparison professed to be instituted; on the ground, namely, that all the peculiarities now to be noticed, form no ground for contrast, but exist alike in the reformed and the ancient constitution!

To this I answer---first, that they belong to the latter, so far as human ingenuity can devise, for ever; and to the former but for a very short time---and secondly, that they relate directly and essentially to the latter of my two objects; namely, to argue against radical reformers, (who form---as their petitions prove---in an immense numerical majority, the advocates for the present measure,) that democracy will be no improvement upon the British constitution.

To show, therefore, the blessings derived from ancient institution, in my judgment, is important---not only because it directly relates to the latter comparison, but because it will also shed the light of contrariety; perhaps the chief of all the topics for probability or illustration; upon the evils and dangers before traced to a popular form of government: and if the view now taken, however brief and imperfect, may help to throw upon total ignorance, even a slight gleam of sunshine; or tend, however slightly, to convert indifference, or alienation, into contented and affectionate acquiescence, my aim will be accomplished.

What then, let us ask is that constitution, which we are speedily to lose; and the blessings, which we are now to risk? This is the only supplemental view necessary, to deter us from this measure miscalled reform.

> "Look here upon this picture, and on this;
> The counterfeit presentment of two brothers."

The British constitution is, I think, the very one designed by that mighty genius, Cicero; the very constitution "extribus generibus optime confusa"---for of each of these genera, it retains all the advantages, while it avoids all the evils. Thus, first, it gives to the British nation the unity, the speed, the force, the secrecy, and counteraction of ambitious usurpation, which belong to monarchy alone, while it restrains its rapacious exactions of contribution, and its tyrannical invasions of person: and secondly, it gives to public councils the benefit of aristocratic education, and high-born dignity, while it guards against the evils incident to aristocracy---the evils of aristrocratic dissention and of popular oppression---and thirdly, it gives that field for talent, that edge to public spirit, and that benefit of laws not respecting persons, more particularly incident to a republic; while it avoids its confusion of councils; its tyranny of mobs; its encroachment of parties

and factions; and its essential tendency to despotism.

So many, are the great and peculiar qualities of our compounded constitution, considered in the most general point of view; add to which, in its more particular details, that; obeying our two first canons of political freedom; it first, inalienably divides, as we required, the three functions of sovereignty; lodging judicature in a popular jury, execution in the crown, legislation in the parliament —and secondly, it subdivides again, as we required, the legislative function in particular.

This subdivision gives, to the department of mere lawmaking, the great advantages, of distinct councils, and rehearings; rejecting rash resolution; and above all preventing mischievous proposal; while it also; as at first we proved, respecting a divided legislature; possesses the constitutional advantage of tending to preserve that adjustment of the functions of sovereignty before noticed.

And thirdly, add; with more direct reference to the question of reform; that the constitution of our present legislature, by introducing, and blending in the representative assembly other interests and principles—the interest of property, of birth, of regal government—besides those of abstract population, or numerical representation, completes the plan of a great and necessary protection, at once

to individual rights, and to the whole constitutional adjustment.

And thus protecting property, and royalty, and hereditary legislation—and resisting unskilful improvement, rash innovation, and revolutionary change—it gives an universal fixedness and stability, and perpetuity to all things! it throws its ample three-fold shield over the laws and usages, and birthrights of Britons; and encircles every ancient right and acknowledged liberty we possess, with a triple and impregnable barrier.

Such are the great and peculiar advantages of our legislature, as at present constructed; in a word—protection---preservation---it is not therefore so much new laws, or new rights, we now want, as conservation, or safety, for laws and rights existing.

I know, indeed, the present insatiable appetite for bold and dangerous legislation—to introduce a public novelty, to stimulate feverish and gambling excitement; to awaken enterprize and expectation---but two short years, and the influence of a foreign government was let into our representative assembly, and now all legitimate internal influence is sought to be excluded!

But is vast and rapid change, like this, really the character of perfect legislation? That it is not so, is, I think, capable of mathematic demonstration:

for who, that has dived deeply into mathematics, is ignorant that the great and universal character of a maximum is comparative unchangeableness; that the very way of finding, when any fluctuating quantity has attained its maximum value, is to suppose its amount, in two immediately successive states, to be unchanged, and the same! Hence, when a constitution attains its maximum of perfection, there it must stop. When laws secure such a maximum of public good; as mere laws can, of themselves, accomplish; then they must change but slowly. Celerity of change is a sign not only of dangerous fluctuation, but also of great imperfection; a sign either of raw juvenility, or of hoary decline; and hence, strange to say! I did not augur ill of the parliament last year, from the ridicule of a noble lord, that their chief sessional labours might be compressed into "a beer bill!"

It is, let me repeat, the principle of protection, and of preservation, that should be our guide and polestar in legislation.

Such are the benefits we owe to the constitution of the British legislature, as it is.

In the department of the executive also, our constitution has similarly its striking superiorities. It is the first grand characteristic of our constitution, that every existing law must infallibly be executed. The coronation oath itself directly binds the king to go-

vernment "according to law;" while secondly, from from the singleness of executive authority, as with us, established by constitutional prescription, all possibly hostile opposition of physical forces is avoided, and sufficient restraint also can be imposed externally, upon that formidable power, while it is made strong enough, at once, to defend the entire frontier; to throw over innocence, and right the ægis of law; and to wield the sword of justice against evil doers.

Finally; and chiefly so far as our argument is concerned; this adjustment of the executive gives protection not only to individuals, but to the constitution itself; repelling all the views and assaults upon it of ambition, and, by its single and supereminent greatness, preventing the attempts, now ridiculous and vain, of thousands to become great.

For if you ask why, with an executive government, such as ours now is, no stratagem of legislator or chieftain can overthrow our rights and liberties—the answer is, because that government is regal—because allegiance, with us, is given to a person; not to an abstract principle, or an undefined name; with us, the king is, to the soldier, the object of reward and punishment; in him is promotion, patronage, and the administration of martial law; and an oath binds the soldier, as it does all civil

authority, to a personal allegiance, to something visible, and universally understood!

But is this the case in the representative government? in that to which we are to be parcipitated? —by no means! if allegiance be pledged to republican government, or to the principle of delegation, such allegiance is, evidently, ill understood, and wavering: and will rapidly wheel round to any point of the political compass! Twice, on the day before his grand conp d'etat, Napoleon solemnly swore to the army and the legislature, his eternal defence of the republic, and of the only liberty, the government of representation! But, then, he had only to force from the representative assembly a despotic commission, having the least shadow of resemblance to legal form; and to take the name of consul, protector, or director, or any name but king; and tell the army or nation this is representative government, for this charter of authority is derived from the representative assembly.

But you say in an enlightened nation, the people will see the sophism, and hurl the usurper from his seat! But who, I ask, will begin? it must be a private individual—and, no doubt, here and there a man, of freedom and spirit, will be found to brave destruction, and rally his countrymen. But, what then? against him the whole force of a tyrannic, and what is worse, of an ill-defined power will be

seasonably directed, and the scroll of chartered despotism unfolded to his instant annihilation!

But to proceed; I say, thirdly, that in the remaining great department of judicature our constitution is not unable to bear the light of examination, or the test of comparison with the institutions of other countries. Here, we have no arbitrary imprisonments; no detention of an accused at pleasure; no arbitrary delay of trial; no proceedings in secret; no written interrogations; no rack or torture. The security and protection given to the humblest peasant in this country is, I am convinced, beyond that of a noble in any country besides; before a peasant can be injured by the executive power; by any civil or military authority; there is first, the hearing of a justice of the peace; then, the rehearing of a grand jury; then, trial by petty jury; then, challenges of that jury; then, prosecutors examined before his face; then the production of his own witnesses; then, benefit of counsel, and lastly, unanimity—not majority, as would better suit the theory and practice of radical reformers—of that jury. To all these are added not abridgments, but enlargements, of privileges in accusations of treason!

Such are the blessings, and such the constitutional protection to person and property, denied to almost all other people upon the face of the earth;

but which are our ancient inheritance, and our acknowledged birthright—and which therefore, are blessings unvalued, and unattended to! Between the humblest peasant in this country, and injury from the king or proudest noble, I say, there are interposed all the forms of regular criminal process; or as magna charta expresses it "the judgment of his peers and the law of the land."

This is the true protection to all our original rights; and this protection is the chief end of our associating and living together as countrymen.

By such a constitution, therefore, as this, all the great gifts and blessings, which a Creator's bountiful hand has bestowed, are secured to Britons! The rightful and inviolable dominion of property; the freest exersise of mind; of member, and of locomotive energy! for all these, our grand interests, there is full protection against the natural two-fold danger, which threatens them;—first, against danger from fellow-subjects, there is the sword of justice "a terror to evill doers, but a reward to them that do well;" and then against danger coming from improper use of the sword, never did constitution devise such admirable cautions and expedients as ours.

For in the first rank, comes Magna Carta; which defines our old, acknowledged, inherited, rights; our ancient liberties; and which establishes the in-

comparable doctrine, that no right be invaded, and no man be in any way injured and destroyed, except, after formal trial by law and jury. The same liberties again, the act of settlement asserts—as the birthright of the people, according to ancient common law—and the coronation oath promises directly to respect them.

But, so jealous is our constitution of the great original rights of its people; so eager to afford them all imaginable protection; and provide against all imaginable invasion, that it proceeds to guard liberty and property, by laws of prohibition, as well as by laws of obligation; by words of exclusion, as by words of affirmation.

Thus it did not seem enough for Magna Carta to command an appeal to law, and to a jury of peers, before the invasion by the executive of your property, or person; it was not enough for the oldest coronation oath to promise, affirmatively, government according to law, and administration of law and justice in mercy; but by petition of right and bill of rights, it is announced that there can be legally, no regal dispensation from law—no regal suspension of law—no martial law—no compulsory tax or benevolence without an express law—and no arbitrary imprisonment—While all these securities are completed by the regulation, that the king's act is invalid till legalized by ministers, who

are themselves liable to responsibility and impeachment!

Were ever securities for right, were ever ingenious expedients, I would ask, like these? Expedients, too, remark, that with us can be but rarely wanted; securities against a majestic magistrate, of high-born dignity, of native rank and wealth; for whom ambition has almost nothing to desire, and interest has too much to risk; in whose breast rapacity or malevolence cannot easily find a place, and whose heart is naturally lit up with the pure flame of benevolence, rejoicing in the prosperity of his people!

But is all this the case; in our new constitution? I mean in that to which this new constitution will rapidly precipitate us—Have our rights such protection against the supreme magistrate of a democracy? Far from it. Are the character and station, I ask, of an aspiring usurper the same security against ambition, covetousness, injustice, oppression, revenge, as that of an hereditary monarch? What solemn conventions, too, or usages, will apply to the usurping demagogue? What coronation oath has been administered? What act of settlement has he received? Does law clearly limit his power, to whom a subservient legislature may assign despotic discretion? or what law can protect the unfortunate and infatuated people, whom he at once

cajoles and tramples? A single midnight thoughtless resolution may at once annihilate their whole body of ancient jurisprudence, and at one breath, bill of rights, and habeas corpus, and magna carta, and jury trial, and law of the land, may vanish altogether into thin air! Like Cromwell, he may break both laws and legislature; or like Napoleon assume power of dictator, with a carte blanche to frame his own laws and constitution.

Having now stated as at first proposed, the chief grounds for my opinion, and having thus given such reasons, as appear to me, calculated to induce moderate reformers, at least to pause and consider, whether this reform may not lead to democracy; and to prove again to radical reformers, that democracy may possibly be to them a change pernicious and destructive; I shall now as a necessary confirmation of the entire view, very briefly notice the arguments usually urged—beside those of the rights of man and the sovereignty of the people already noticed—in opposition to ancient institution or in favour of the ministerial plan of reform.

And first I shall notice one, which, as well as the preceding, is exclusively, but yet frequently, protruded by radical reformers — the example, namely, and prosperity of democratic America.

Now, with reference to this argument or example, although it may be urged in reply, that the

American republics have existed only for half a century—a brief space in the history of a constitution!—and, that they exhibit also, already, very few marks of firm stability, but rather many of democratic and revolutionary fluctuation; yet I prefer to say more directly; that, granting all that may be said in favour both of their prosperity and duration, still, however, America is by no means a case in point, unless we are prepared to return to the Saxon heptarchy, and to the provincial governments of Ireland.

And an evident reason is, that a number of petty republics confederated together may be protected from despotism, in ways, by which a single large republic cannot be. They may be protected, I say, not only by articles of union, but greatly by the circumstance of division or federation itself.

In America, for instance, if any one republican state were disposed to obey that despotic tendency, which I have argued to be essential to a single democracy, there are twelve which—warned by the fate of the old amphictyonic republics after their confederation with Philip—would be disposed to dread the result of too intimate an union between monarchy and republicanism; and the twelve remaining; however nearly related and closely connected; differ quite enough in name, and insti-

tutions, and internal government, to prevent a simultaneous movement, or general conspiracy.

But in a republic that is large and single; and thus dependent exclusively on internal resources; the assertion remains uncontradicted by the example of America, that the liberty; miserable as it often is; ill-defined, misunderstood, and in truth but a name and shadow; with which such a single popular government begins, will pass with rapid step to the very tyranny, the least fancied resemblance to which it had, at first, so deprecated.

But this latter was the assertion which we have already tried, both by theory and example, to establish.

The second argument of reformers—indeed ,properly speaking, their only argument—is this: that the ministerial principle of reform is but the restoration of the principles of the ancient constitution! To this a brief answer is, that the fact is at once denied; let that fact, therefore, be proved, if it can be done.

But such proof can never, indeed, be given!—never, I say, did our constitution recognize the principle of a representation, uniformly or exclusively popular; never of a representation exclusively derived, like that proposed, from the democratic sources of number and small census.

It never recognized a principle so inconsistent not

only with the doctrine, denied in no court of law, that the king is, by our constitution, considered "the original proprietor of the whole kingdom;" but also, which if recognized, would have, centuries ago, led to the annihillation of regal government in this country.

And, accordingly, from the days of the First Edward; when a representative assembly of the present form was originated; up to the Scotch union, the power of freely bestowing the representative franchise was never denied, constitutionally, to belong to the crown; but was always openly asserted, and admitted, as an undoubted flower of the royal prerogative.

And in consequence, that franchise never, from the beginning, proceeded upon principles purely and exclusively popular: but was, perhaps, now conferred upon the king's chief tenants—to whom, in Scotland, it still is limited—and, at other times, was granted in ways variously diversified, so as fitly to support both the top or summit, and the whole graduated and subordinated system of established order.

And it was by this prerogative, chiefly, that all the parts of the constitution were kept firmly united, and nicely balanced; not, indeed, strictly immovable, but not far from the position of equilibrium---each alternately yielding, bending, and

oscillating within small limits—one of them perhaps now and then giving way, and then elastically reverting, and springing back to its true position!

If, for instance, regal authority were at one time diminished by the abolition of courts, which recognized proclamation as law; or by statutable limitations of prerogative, or parliamentary declarations of popular rights; it was again brought back to its state of independence by the limited introduction into the representation of friends to a constitutional royalty.

And hence alone, of mixed governments, our constitution was able to give, for centuries, at once happiness to its people, and stability to itself. In many countries besides—the experiment of a monarchy, peerage, and popular representation, all mixed and combined together, had been tried, but adopting, as they did, each, as if it were a detached and separate institution, and not as if all three had to be blended together in harmonious and stable co-existence, their system of theoretic uniformity and beauty—or rather of shallow, and silly, simplicity—has, in every instance, failed. In Britain, as has been said, it has, admirably, succeeded for above five hundred years!—What then, briefly, not to dwell further upon this topic, is the cause of this?—Must it not evidently be from some peculiarity in our mixed constitution? and where, except

in the particulars called defects, is such peculiarity to be found?

The third argument urged by reformers, is that, "time is an innovator," and "there are no limits to improvement:" or that arguments like the preceding, though once, perhaps, plausible, do not suit the present time!

To this I might answer, that the position, being altogether indefinite, is wholly without force; it is a two-edged sword cutting equally in every way.

But, more directly, there are some few points in political, as in all other, science, not liable to subversion, but which, like other "æternæ veritates" will be true and cogent in a thousand years to come! The points, I mean, which are not derived from the peculiarities of a particular country, or a particular era, but are built upon the immoveable foundation —upon which alone the demonstrations of moral or political science must rest—namely, upon what is necessary in the structure of society, and what is unalterable in the nature, and principles of man.

And of this kind only—and not limited to time, place, or to any mutable circumstance—have I tried to make all the arguments, that have preceded.

Thus, in Britain, I have said, that two of the noblest ethical principles existing have been always recognised, and are recognised at this day. The principles, I mean, of the inviolability of property

and of civil freedom—Assuming, then, that these are principles, which should remain as the guides of our future policy; even to the end of the world; and assuming, merely, in addition, that the greater number far of citizens in any society, being necessarily engaged in the details of petty trade, or in the occupations of laborious drudgery, must therefore be, at once, comparatively poor, and upon matters of deep political science comparatively ignorant. I contend, that: if any cogency belong to the preceding argument, by which the leading characters of the ancient constitution have been derived exclusively from those fundamental principles; and by which also, some defective parts of the new constitution have been, on the same principles, rejected: the ordinary innovations of time cannot shake an argument, which, from beginning to end, has made, so far as respects those eternal rights, not a single reference either to time, or to any other matter, that is substantially mutable and undetermined.

The fourth argument, and main reliance—the staff and stay—of reformers, is this; that the people, generally, are discontented with the present system of representation.

To this, for brevity, I shall answer syllogistically. This discontent, then, is either reasonable, or it is unreasonable: that it is not the former, we have already argued; and let reformers either refute such

arguments; or else, on principles of reason, and not of mere blind will and desire, establish their own position. But, till they do, we are entitled to assume it to be unreasonable.

Now, if unreasonable, the dissatisfaction must proceed either from a temporary perversion of the understanding, or of the will; either from delusion, or mere general unhappiness, and distress.—These two cases, therefore, we shall separately consider.

If the prevailing dissatisfaction, with the ancient and constitutional system of representation, proceed from mere delusion, then I would not only say to reforming legislators, that delusion is to be chased, by no other means, than by the force, and light of truth: but, that in any case, it is not a fit way of meeting an unreasonable delusion, to say that it is indeed reasonable; and still less defensible is it, to join in the destruction of men, merely because that, under delusion, they desire it—a degree of moral guilt, in my eyes, in the present instance, infinitely more enormous than that, which would present a sword, or poisoned cup, to a maniac, avowedly bent on self-destruction.

But if, on the other hand, the discontent prevailing be the result of passing distress; then, I say to them, introduce; as all the obligations of duty and benevolence oblige you to do; some measure, which

relieving distress, will secure to the people labour, food, or raiment: provide, if you please, poor laws for Ireland; giving to age, infirmity, and poverty, that protection and support, to which they have a title, at once human and divine; but which thoughtless absenteeism, or hard-hearted selfishness, are not found to recognise—produce, I say, any rational and practicable remedy, and clearly prove it rational; and then, if it be rejected, some ground may exist for complaint and reform,

But is this done by the reforming ministers? No!—when the people "ask bread, they give them a stone." Not a word, indeed, is said of distress, but much of the discontent it has occasioned. They never state, to the labourer or the artizan, that a single advantage; either higher wages, or new sources of employment; can be the result of reform;—and, if he had a shadowy hope of diminished taxation, they are the first to tell him, that further retrenchment is impossible. How then do they proceed?—The people are discontented, because they are distressed—the ministry do not remove the cause; but direct the popular discontent against a grievance wholly imaginary; and then, on the ground alone of a discontent so misdirected, they remodel the constitution, and ruin the people!

This is unreasonable; and yet, strange to say, it is on this, that the argument, for an all-destructive

measure, is mainly based! We are never urged by any thing like cogent proof of political expediency; never urged by any sound analogies of historical experience; the sum and substance of most reforming arguments is simply the prevailing opinion, or passing will of the people!—of men professedly incompetent, themselves, to fathom the depths of the irrecoverable change they ask; but who, prompted by that reckless love of change inseparable from distress, are mischievously stimulated to direct it against the constitution.

But still, again and again, the argument is repeated that whatever be its cause, still, now, popular disappointment may lead to revolution!

But, while I firmly believe the education, moral habits, domestic interests, the property and mind of the country, to be sufficient securities against a groundless or infatuated rebellion—as they proved in 1793, when an outcry louder far was raised; when a republic seemed inevitable and yet (under the guidance of "the pilot who weathered the storm") a firm and enlightened parliament found it marvellously easy, at once to save the constitution, and tranquillize the country—so, also, do I believe even that calamitous result not to be possibly more pernicious than this; which would introduce its worst results upon permanent and ever recurring principles; which would introduce, I say, confu-

sion and ruin into the country, permanently, by an irrecoverable, legal, or constitutional arrangement.

And further, in my judgment, it is impossible for any policy to be more mischievous, and indefensible, than that of, thus professedly, bribing agitation with high premium and bounty; it is a policy for ever destructive to national peace, harmony, or quiet settlement; a policy, giving to popular clamour henceforward the irresistible temptations, at once of successful precedent; of popular force augmented in a tenfold degree; and of constitutional check or resistance in the same degree diminished! so that, in fact, never henceforth can the country be in peace; while "ballot," "universal suffrage," "repeal of the union;" or any other destructive measure, which selfish agitation may devise, for agitating or organizing the people, remain unconceded!

The last argument of reformers is, that anti-reformers admit a degree of moderate reform to be desirable, yet will not explain their views—in reply, their views, so far as I know them, are those which are consistent at once with the spirit of public contracts, and with the principles of the constitution; of which the chief details are, I believe, to interdict by law the sale of seats; to disfranchise boroughs proved to be corrupt; and thence to supply a representation to great unrepre-

sented towns; or, if that supply exceed the disfranchisement, to increase for that purpose, accurately in the ratios prescribed by the acts of union, the representation of the three parts of the united empire. In such a reform, because it is safe and constitutional, I fully acquiesce.

If then asked my objections, generally, to this measure; in reply I would not dwell much—but merely for confirmation, notice them—upon the other grounds of objection; either weaker than those already urged, or stated elsewhere, better than I could state them.

I would not, I say, dwell long; first, upon the fact that it is GROUNDLESS; that no practical grounds or reasons for it have, as yet, been; or can be, assigned; the adoption of no measures, clearly inexpedient, have been traced to this ancient franchise; the rejection of no measure, of evident improvement, has been explained in the same way; and thus no practical proof is given, that, so far as the offensive members are concerned, patriotism and wisdom do not guide the public councils.

Nor secondly, would I dwell on the violation of formal national covenants, and of pledged national faith; on the violation of acts of union, solemnly stipulated to be "fundamental and perpetual; acts and articles, violated, not only in spirit, but in most strict letter, by the change proposed, both in

the numbers, and the ratios, assigned to the representation of the three members of the united kingdom:

For, first; in the Scotch and Irish union acts, I find, the representation assigned to the respective countries, always absolutely and distinctly stated; and recapitulated in all the rules and regulations respecting them; no change of number once contemplated; no clause, or proviso, for such a change once introduced; but, on the contrary, the words of perpetuity occurring; "Acts for ever ratified and confirmed" "when any parliament shall be called at any time "hereafter"—"said articles and each and every of "them in force for ever!"

No doubt, the solicitor general for Ireland, has discovered a single proviso, in the Irish Union Act, that might appear to insinuate a future possible change, in the sum total of Irish representation; but that clause appears, not in the 4th article, which regulates the number of Irish members; but in one much later, and has a meaning quite distinct from that of an altered amount:

Thus speaking of the hundred members, ordained to sit for Ireland, a subsequent article states in detail: "thirty-six for the following cities, towns, and boroughs;" and this is followed by another article, confirming it; and only providing, in addition for a case always contemplated by the constitution, of a possible or disfranchisement; viz.

no representative for any city, &c. "other than the aforesaid"—"unless it be otherwise provided for "by the united parliament." Now whether this clause will support the argument, let others determine.

But whatever be said on this point, I shall assert—in opposition to the prime minister—that both the acts of union would be unanswerably violated, as one of them would be literally endangered, by the abolition of the church establishment in Ireland—for which, no doubt, that prime minister has ably provided—but this is a point not demanding confirmation, until it be more distinctly denied.

Nor thirdly, would I dwell on a still farther danger to that union, from a measure, which not only removes the boroughs expressly retained for the protection of property in Ireland—chiefly belonging to Protestants—but which practically adding to the Roman Catholics of Ireland; who are predominantly desirous of disunion; nearly as much of representation as it withdraws from England, will give at once to Ireland, and to Roman Catholics a ratio in the new legislature, arithmetically increased by not less, than one hundred members, and that in a diminished representation! what effect this may have; either upon the strength of the union; or on the stability of a government, essentially Protestant; it is needless to mention!

Nor fourthly, would I dwell on the violation of registered charters, as old as the constitution itself—nay, preceding in antiquity the statute "de tallagio non concedendo," although, as Mr. Fox contended, the invasion may be of calamitous precedent, as the unfounded disfranchisement of a single chartered body, may endanger the existence of every chartered company, of every existing corporation—of the bank of England, of the bank of Ireland, of the East India Company, of the church, of the Peerage; all of which are—as the member for Boroughbridge well asserted—but corporations; and like every other great establishment having no title but a prescription or a charter; and therefore are all exposed to the new principle; of legislative disfranchisement, without crime or trial.

This principle, indeed, would now justify itself by the vain assertion, that this case is peculiar, because it is "a trust!"

But is not incorporation itself, and every other corporate privilege, a trust? What is a corporation but a body associated to carry down rights for ever, in succession, and enjoy a legal immortality for some certain purpose—thus, the king, the highest corporation to prevent anarchy and interregnum; a city corporation to govern a town; some are incorporated to regulate trade, some to promote manufacture, some, as colleges and universities, to pro-

mote learning—are they not all, I ask, trusts? Is not corporate property, too, as well as corporate privilege, a trust? and is not trust to a certain extent one character of the title to church property, to East India property; nay, as by some radical reformers, it is argued, of the title to private property? by those, who hold landed proprietorship to mean an overseer's trust; and tenantry to be title, and rent wages.

Nor would I dwell fifthly, on the good practical reason, for a slight infusion of nomination into representation, from its tendency to open a field for talent to exercise itself upon, and expatiate; from its evident tendency to introduce into the representation ability, or talent—which, when joined to benevolence, secures all the ends, and therefore possesses all the right, of government or legislation—a tendency, I think, fully proved, not only from the consideration that the nominating proprietor will naturally select such men as are ablest supporters of his views; but which is proved still better to practical men; who value the inductions of experience; by the statement of a late secretary, that from twenty to twenty-five of the ablest men who, for forty years have guided the councils, and wielded the destinies of this great kingdom—the Chatham's, the Pitt's, and Fox's, Windham's, Canning's, Burke's, nay the Brougham's—et tu Brute—all were

introduced into the legislature, as members for boroughs; and, with three exceptions, for the very boroughs, which this infatuated bill would disfranchise; and, again, when they gained ministerial station, and had to wield the high functions of the home or foreign department, it was the same institution, which alone protected them from the power of a demagogue, or the ingratitude of a populace; and thus secured their subsequent efficient and splendid services to their country: contrary, I admit, to the theory of the member for Middlesex—and how soon it may be acted upon, no man can tell—that ministers should have no seats in the representative assembly; but only convey there, messages from the king, and wait the house's commands!

Nor, lastly, would I dwell upon an objection which yet, in my judgment, has great weight; that this plan of reform, needlessly, and formidably, violates the great principle of "attachment to ancient institution;" the only principle which has ever guarded men or legislators against steps precipitate, bold and dangerous—the principle, which, anxiously and intently, looks out for distant, unseen consequences; the principle, which neither will build nor pull down capriciously; but, which holds antiquity to be presumptive expediency, on the old principle that "opinionum commenta delet dies," and holds

rash change to be a monstrous and prolific principle, whose progeny, in a few generations, may retain none of their paternal features; the amiable principle, which, incorporating gratitude with self-love, reverentially respects, as much as from motives of interest it obeys, the recorded wish and opinion of our incomparable ancestors; who, transmitting to us our estates, and public embellishments, and national glory, have, above all, expressly bequeathed our constitution, as their most rich legacy of venerable experience, and benevolent intention; the only principle, finally, which does not leave us, near the end of time, like antediluvian politicians, never illuminated by antecedent experience, or foregone discovery, to direct public will, to regulate national expectation, and upon subjects not physically capable of demonstration, to substitute contented and customary acquiescence for eternal agitation, and never-ending dispute, debate, deceit, and malignity; to substitute, I say, fixed consent and brotherly unity, for wavering imagination, tossed about with every wind of strange doctrine—having no such aids, or bonds, of association as authority, or prescriptive settlement—but every year, or almost every day, practically re-commencing the social contract!

To me, indeed, it seems not the least forbidding feature of the unskilful improvement proposed, that

it so resolutely, and groundlessly, violates this venerable principle, and embarks us, henceforth, upon a wild ocean of politics, without anchor, rudder, or compass. For what to future innovators will be our future reply? Is ancient prescription, ever hereafter, worth a straw in political argument? Is possession any longer even a single point in the law? —are national contracts much better than waste paper? or charters of much more value, than so much parchment and wax?---and, as to precedent; who can say, whether it will, henceforth, be for us, or against us? What, in fact, I ask, remains to preserve establishment or institution, but oppositions of science falsely so called, or else quibbling debates upon topics of disputed expediency, or of indemonstrable and doubtfully balanced opinion?

But not dwelling, as I say, further upon these particulars, my grand objections are those, which I have already opened out; first, that it deprives property of its proportionate representation, and due protection; and, secondly, and chiefly, that it endangers liberty, by overthrowing the stability of the constitutional equilibrium, and, therefore, leading to indefinite revolutionary change; that tending, I say, decidedly to overthrow the independence of one legislative member—which is necessary for defence of the constitution, and for protection of individual rights—it gradually, but infallibly,

gives to another member the power of arbitrary dictation, and the power of capricious invasion; to which invasion it annexes the highest possible bounty, that of gratified ambition—while, by the fundamental law of free debate, it restrains it by no single punishment!

The end is, as I explained, ruin—ruin; first, to constitutional and then to individual security!—the end is, that the legislature gradually passes from divided to undivided form; the new undivided legislature seizes the other two parts of sovereign power; and the country and the people pass through anarchy and oppression, through dismay and universal confusion, through Atheism and Jacobinism, to their final destiny, a military government, in the establishment of which, as a relief from greater horrors, most even of the good and wise remaining will heartily co-operate.

Variety therefore, I contend, of representation; the principle of occasional nomination; and boroughs---all of them so opposed to the views of modern reformers; so opposed to simplicity, but not to truth, of theory—are the very principles of stability, the principles conservative and anti-revolutionary, interwoven into our complicated constitution! They are the fences and chevaux de frises thrown round the public interests, that protect a people from them-

selves; protect their blessings from the invasion of thoughtless fickleness, or of suicidal assault.

Without them, or with attention, exclusively, to number and low rental, what would be the British constitution? It would be a constitution, which, recognising a free press, and an unrestrained right of petition; would, I boldly say, by plan and design practically submit the question of its own existence to the annual, or the monthly, suffrage of a people too uninformed to fathom—that vast deep subject—the public good; and at times poor enough to prompt the desire of wild and reckless change!—

Of a plan like this, scarcely above one example in history can, I believe, be found; but every where the lawgiver in constructing a constitution for the public good has; still indeed with the same supreme object; interwoven in it, a protection against revolution, a plan for its own stability.

This may be shown by endless examples: in England, for instance, all the parts of the constitution are not only protected by their reciprocal veto; but to secure more particularly the monarchy as the foundation of the whole constitution, the people are interdicted from petition against regal government, and legislators, and all authorities, are restrained by oath from questioning either its continuance, or its particular settlement. In the United States, again, a congress manages the common concerns;

but that congress and those States are restrained, by certain fundamental and unchangeable articles of union. Often, too, a democratic legislature for constitutional stability; itself erects a second chamber, and giving to it either the initiative, or the final power, restrains innovation by the independent pre-advice, or the subsequent veto. At Athens, formerly, it was made death to propose the repeal of certain laws, to the popular assembly; and at Lycia, such was their salutary dread of innovation, that the mover of a new bill like this of Lord John Russell's carried a halter round his neck, which, in case of failure, intercepted all future constitutional danger coming from the same source!

Never till of late was so fatal an experiment made, as a democracy of pure and uncontrolled representation, able gradually to absorb and concentrate every possible power; and of which each member being irresponsible; bound by no contract, and subject to no impeachment; might carry any measure with impunity, no matter how destructive of the constitution, or how subversive of the securities, the interests, the rightsthe liberties of the people!

To you then, my dear Sir, I say, resist this destructive measure: look to an experience---a still better argument, after all, than abstract reason---to an experience of above one hundred and forty

happy years, since William's declaration first restored all boroughs to their ancient prescriptions and charters; preserve the stability of the constitution; preserve the protection given, at once, to property and freedom.

Preserve ancient, tried, and experienced institutions; imitate the policy of our wisest statesmen, recorded in the act of settlement, in the bill of rights, in all the great statutes of our liberties, ever asserting and maintaining our liberties because they were ancient; because they stood upon the visible ground of precedent, and inherited possession, rather than on the visions of fantastic theory, and wild imagination.

Remember, on the one hand, the prediction of Canning---of the "reformed house of lords;" of Huskinson—"confusion, anarchy, the tyranny of a fierce democracy, and then military government;" of Burke, that "if our artificial system of representation be discredited, tyranny or democracy, must be our government."

And, on the other hand, take warning from the testimony of the Member for Waterford, "that the "entire balance claimed by him, as due, must "follow this first great instalment paid." Mark the declaration of the member for Middlesex, "that "the plan far outdid his expectation, and that the "strongest reformers he knew were absolutely

" delighted with it." Listen to the member for Preston, " that though pleased, neither he nor the " people as yet satisfied ; " and listen to the proof of this from another most able member---who, having read two or three hundred petitions, found all, but two or three, asking infinitely more than as yet is given ; " dismissal of placemen, annual parlia- " ments, universal suffrage, ballot ! " and whether the argument be invalidated by the fact, that the same petitioners have since come forward simply to express approbation of this measure ; and confidence in his majesty's ministers ; common sense may determine.

But, above all, listen to two of the greatest authorities that can be quoted, with regard to the future fate of Britons. First, I say to Delolme, who, thinking that the British constitution will be subverted, if the commons invade the executive, says (I give the substance) that " plans of improve- " ment, by men unacquainted with the true prin- " ciples of our constitution, may lead to effects alto- " gether unexpected, and opposite to their intentions" —and that " party interests, or temporary prepos- " sessions, may lead them to do, what will finally " be the ruin of public liberty." The result, again, of this, we learn from a brief oracle of the illustrious Montesquieu, that " England, if once it lose " its liberty, will be the most enslaved nation in the

"world,"—a sentiment, which is as clear, as that the power of any physical compression must be the greater, in proportion as the principle, it has to restrain, is vigorous and elastic!

I shall now conclude.—I have done my duty; and that I have done so, will be always my joy and my consolation—nor would I to be premier or monarch, go down to my grave with the agonizing conscience, that I had contributed to the ruin of my country.

Indeed, so deep is my impression of results, that I should never desire a better memorial of my love to God or man, than may be found in my deliberate, uncompromising, unpopular—and, possibly, to myself mischievous—opposition to this; by many well-intentioned, but still no less destructive; assault upon a people's rights, and overthrow of their ancient constitution!

I am, my dear Sir,

Very sincerely your's,

J. C. MARTIN.

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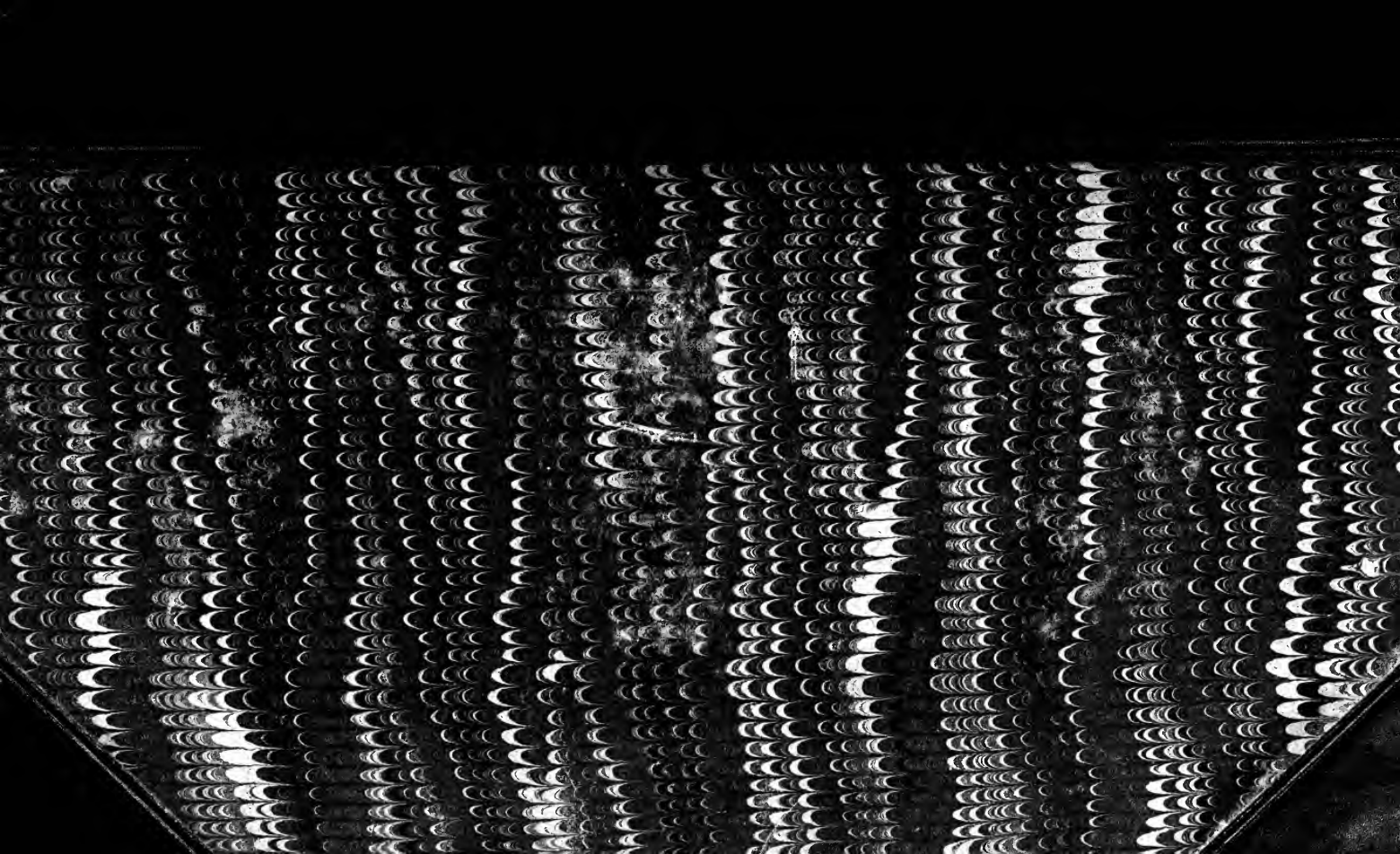
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